

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Civil Misc. Contempt Petition No. 45 of 2002.

In

Original Application No.476 of 2001.

Allahabad this 06th day of November, 2002.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Maj Gen KK Srivastava, A.M.

1. Smt. Alpana Goswami
w/o Late Sri Alok Kumar Goswami.
2. Nitin Kumar Goswami
s/o Late Sri Alok Kumar Goswami.
3. Bipin Kumar Goswami)
) Minor sons and
) daughters of Late
4. Nitish Kumar Goswami) Sri Alok Kumar Goswami,
5. Sunandita Goswami)
) through their mother
6. Sonalika Goswami) Smt. Alpana Goswami.

All R/o 259/115-B, Phulwariya Road,
Daraganj at Allahabad.

.....Applicants.

(Counsel for the Applicants: Sri N.C. Tripathi)

V E R S U S

Col.S. Bayabouri,
Commandant Ordinance Depot Fort
at Allahabad.

.....Opp. Party.

(Counsel for the Respondent: Sri M. Kumar)

IN

ORIGINAL APPLICATION NO. 476 of 2001.

Alok Kumar GoswamiApplicants.

Versus.

Union of India through the
Secretary of Defence,
Government of India, New Delhi
and others.

..... Respondents.

(Decided on 28.11.2001)

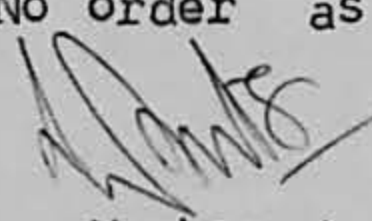
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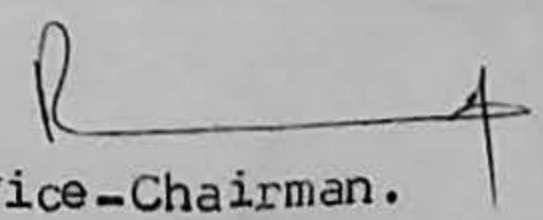
O R D E R (Oral)

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.

By this application filed under section 17 of the A.T. Act 1985, the applicants have prayed to punish the respondent for wilful disobedience of order passed by this Tribunal dated 28.11.2001 ~~passed~~ in O.A. No.476/2001. The direction given was "to pay the pension of the applicant forthwith without any further delay, with interest at the rate of 18%". The applicant, Late Sri Alok Kumar Goswami ~~was~~ died after the order was passed by this Tribunal, now the application has been filed by his heirs and legal representatives. From the counter affidavit, has come on record, that there is a serious dispute between the applicants and another lady who claims herself to be wife of ~~the~~ ^Q ~~applicant~~ ^U, Late Sri Alok Kumar Goswami. Title Suit No. 14 of 2002 is pending before Civil Judge, (Junior Division, Durgapur District Burdwan, West Bengal) wherein ~~in this suit, the~~ ^{an} order of injunction has been passed restraining the applicant No.1 (whose name is mentioned in the suit as Smt. Usha Gupta) ^{from withdrawing the amount.} It is also not disputed that against the order of this Tribunal dated 28.11.2001 Writ Petition No.14446 of 2002 has been filed before the Hon'ble High Court and matter is pending there. In these circumstances and considering the ^u ~~another~~ facts, it is difficult to say that ~~no~~ ^{any} contempt is made out at this stage. The application is accordingly dismissed, however, the applicants ^{may} ~~have~~ filed ^{in a case after} a fresh order ^{is} passed by the Hon'ble High Court.

No order as to costs.


Member-A


Vice-Chairman.

Manish/-