

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
CIRCUIT SITTING
AT NAINITAL

Civil Contempt Petition No.63 of 2002

In

Original Application No.643/1996

Nainital this the 24th day of October 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj Gen K.K. Srivastava, Member(A)

1. O.P. Sharma, S/o Late Shri B.L. Sharma, R/o Village Panditwari, P.O. Premnagar, Distt. Dehradun-248007.
2. L.N. Malhotra, S/o Late Dr. Karm Narain Malhotra, R/o 17/2, West Rest Camp, Dehradun-248001.

Applicants

By Advocate Shri K.C. Sinha

Versus

1. Prof.V.S. Ramamurthy, Secretary to the Government of India, Department of Science & Technology, Technology Bhawan, New Mehrauli Road, Institutional Area, New Delhi-110016.
2. Dr. Prithvish Nag, Surveyor General of India, Survey of India, Hathibarkala Estate, Dehradun-248001.

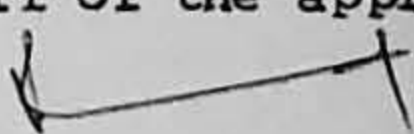
Respondents

By Advocate Shri R.C. Joshi

O R D E R (Oral)

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

By this application under Section 17 of the Administrative Tribunals Act, 1985 the applicants have prayed to punish the respondent no.1 and 2 for committing contempt of this Tribunal. Notices were issued. Counter-affidavit has been filed. The contention raised on behalf of the applicant is that this



Tribunal while deciding the O.A.No.643/96 and other cases gave different directions in respect of the applicants of O.A.No.642/96 and they were not given the consequential benefits as their O.A was filed long after retirement. The applicants case is that in the O.A. filed by them, direction given by this Tribunal was to give consequential benefits also. However, the respondents by order dated 13.05.02 granted only notional benefits and no arrears have been paid to the applicant and they have been given the same treatment which has been given to S/Shri J.P. Mehta, B.S. Rawat and P.R.Kakkar who were applicants of O.A.No.642/96. The grievance of the applicants is that they were entitled for consequential benefits, which has been illegally denied to them. The reliance has been placed on the Judgment of Hon'ble Supreme Court in the case of K.G. Derasari and another vs. Union of India & Ors. 2002 S.C.C. (L&S) 756".

2. Shri R.C. Joshi, learned counsel for the respondents on the other hand submitted that present applicants filed O.A.No.643/96. The applicant no.1-O.P. Sharma had retired on 30.06.95 and applicant no.2-L.N. Malhotra had retired on 31.05.94 and both jointly filed O.A.No.643 of 1996 on 12.08.96. It is submitted that the applicant of O.A.No.642 of 1996 had also retired in 1994 and 1995 and they had filed O.A. on 23.07.1956 . Thus, substantially there was no difference and as the applicant had already retired and filed O.A.No.643 of 1996 long after retirement, the respondents gave



them ^{at} some relief which was given to the applicants^{at} of O.A.No.642 of 1996. Thus, no contempt has been committed and the action taken by them is just and proper.

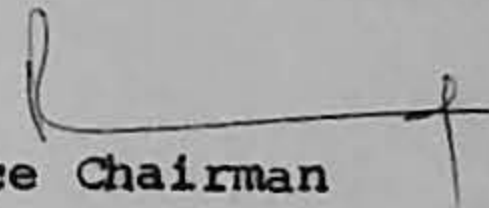
3. We have considered the submissions of counsel for the parties. In our opinion, though there appears to be technical breach, but for that it is difficult to hold that the respondents are guilty of contempt. As already mentioned above, the applicants retired in 1994 and 1995. The applicants of O.A.No.642/96 also retired in the same years. The O.As were filed in July, 1996 and August, 1996, the difference was of few days. In the circumstances, in terms of the order, the applicants were not entitled for the benefit like others who were already in service. The respondents have adopted a just course and have given parity to the applicants with other retired employees. The direction of the Tribunal was to give consequential benefits. The Tribunal has not mentioned consequential benefits separately. It was left to the department to determine what consequential benefits ^{should be} ~~have been~~ given in the facts and circumstances of the case. Thus, the respondents were given discretion and in exercise of their discretion, if the applicants have been granted notional benefit, it is difficult to say that any contempt has been committed. The Judgment of Hon'ble Supreme Court relied on by ..pg.4/-

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the learned counsel for the applicant is not applicable in the facts of the present case,
el As we are not changing the order in the contempt jurisdiction but the order of the Tribunal, as it stands, has been correctly interpreted and implemented. No case of contempt is made out. If the applicants are dis-satisfied with the orders and if they are so advised, they may challenge on the original side. The contempt application is rejected, notices are discharged. No order as to costs.



Member (A)



Vice Chairman

/M.M./