

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 3rd day of June, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

CCA No. 62 of 2003 in O.A. No. 239 of 2002

Jamuna Singh Chauhan S/O Late Ram Singh, aged about 61 years
R/O C/702 GTB Nagar, Karel Colony, Allahabad.

.....Applicant.

Counsel for applicant : Sri K.P. Singh.

Versus

1. Shri S. Dutta, Secretary, Ministry of Defence, Sena Bhawan, New Delhi.
2. Shri Suman K. Sharma, Under Secretary Vigilance-II, Ministry of Defence, Sena Bhawan, New Delhi.
3. Shri Mathew M. Kalathil, Chief Engineer, Air Force station at Bamrauli, Allahabad.

.....Respondents.

Counsel for respondents : Sri P. Krishna.

O R D E R

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri K.P. Singh, learned counsel for applicant and Sri P. Krishna, learned counsel for the respondents. O.A. No.239/02 Jamuna Singh Chauhan Vs. Union of India & others was disposed of by the Tribunal vide order dated 17.12.2002 in terms of the following direction :-

"In the circumstances, this O.A. is disposed of finally with a direction to the Secretary, Ministry of Defence to get the revision of the applicant decided by the Hon'ble President of India within a period of three months from the date of receipt of the copy of the order.

It is further directed that the applicant shall be paid all his retiral benefits on the basis of pay already received by him after punishment dated 15.11.2001, the difference, if any, comes out on account of the order passed in revision or by any other court, the same may be adjusted subsequently.

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The amount of pensionary benefits shall be paid to the applicant within two months. No order as to costs."

2. The President of India has since decided the revision preferred by the applicant vide order dated 27.3.02 which was communicated to the applicant vide letter dated 29.4.2003. The first part of the order has thus, been complied with and the respondents are not liable for contempt of court, so far as the first part of the order is concerned.

3. As regard the second part of the order by which the respondents had been directed to pay all the retiral benefits on the basis of pay already received by him after punishment order dated 15.11.2001 is concerned, the case of the applicant is that he has not been paid the death-cum-retire amount to Rs.2,68,488/- and commuted value of pension amounting to Rs.2,98,440/- and T.A. claim, the applicant was entitled to receive after the retirement. Non-payment of these amount is sought to be justified by the learned counsel for applicant on the ground of alleged involvement of the applicant in a criminal case. We are afraid that the justification sought to be made cannot be given by the Tribunal in contempt jurisdiction. The order of the Tribunal is clear and ambiguous which directs the respondents to pay all the retiral benefits on the basis of pay already received by him after the punishment dated 15.11.2001. The clarification application stated to have been filed by the department is, therefore, liable to be rejected, and the respondents are directed to comply with the second part of the order, as stated above, within a period of three months from the date of receipt of a copy of this order failing which the competent authority namely Mr. Mathew M. Kalathil, Respondent No.3 shall appear in person to answer the contempt on 20.9.2004. Personal appearance of Respondent Nos.1 and 2 is dispensed with. No order as to cost.

Dharia
A.M.

Asthana/

Deo
J
V.C.