

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 11th day of November 2003.

Contempt Application no. 43 of 2003  
in  
Original Application no. 1526 of 2002.

Hon'ble Maj Gen K K Srivastava, Member (A)  
Hon'ble Mr. A K Bhatnagar, Member (J)

Jhallar Prasad, S/o late M. Deen,  
R/o Vill Sudhwar, PO Faridpur Sulem,  
Distt. Kaushambi.

... Applicant

By Adv : Sri O.P. Mishra

Versus

1. J.R. Krishnan, Secretary,  
Ministry of Environment and Forest,  
Govt. of India, Pariyavaran Bhawan,  
CGO Complex, Lodhi Road, New Delhi.
2. M. Sanjappa, Director, Botanical Survey of India,  
P-8, Brabourne Road, Kolkata.
3. K.P. Singh, Joint Director,  
Botanical Survey of India, Central Circle,  
10, Chaitham Lines, Allahabad.
4. N.C. Burman, Account Officer,  
Pay and Account Office, (Botanical Survey of India/ ZSI),  
Nizam Palace Complex, 2nd M.S. Building (17th Floor),  
234/4, AJC Boas Road, Kolkata.

... Respondents

By Adv : Sri S Chaturvedi

O R D E R

Hon'ble Maj Gen K.K. Srivastava, AM.

This contempt application has been filed for punishing  
the respondents for wilful disobedience of the order of this  
Tribunal dated 03.01.2003 passed in OA no. 1526 of 2002. The



... 2/-

following order was passed by this Tribunal :-

"Counsel for the respondents was seeking time to file reply to the OA. However, since the applicant has not even been paid the provisional pension, I think no purpose would be served by giving time to the respondents as it would only delay the matter unnecessarily.

Accordingly, I am disposing of this O.A. by giving a direction to the respondents to dispose of the representation of applicant within a period of 4 weeks from the date of receipt of copy of this order and to release the pensionary benefits of applicant, if there is no other legal impediment in his way within the above period. In case, there is any legal impediment in the way of applicant, the respondents shall pass a speaking order informing about the same to the applicant but nonetheless release at least the provisional pension within the said 4 weeks."

2. Sri O.P. Mishra, learned counsel for the applicant submitted that the respondents were required to comply with the order of this Tribunal within 04 weeks. They have deliberately and arbitrarily not complied with the order and the payments have been made to the applicant much after the lapse of one year after applicant's superannuation month. Thus the respondents have committed contempt of this Tribunal.

3. Learned counsel for the applicant relying upon the judgment of Hon'ble Supreme Court in case of Bal Kishore Modi Vs. Arun Kumar Singh & Ors 2001 (42) ALR 184 submitted that the applicant is entitled for interest as has been granted by the Hon'ble Supreme Court in the delayed payment. The applicant <sup>was</sup> retired on 30.4.2002 whereas the payments have been made to the applicant's in late March/April 2003. The last payment was made in July 2003. He has further relied on the judgment of Hon'ble Supreme Court in case of Harendra Nath Vs. State of Bihar & Ors, 1988 (1) SLR 3. It has been

submitted by the learned counsel for the applicant that as per the orders of Hon'ble Supreme Court in the above case the Court has to give interest to the applicant on the delayed payment.

4. Learned counsel for the respondents submitted that they filed MA for extension of time. The order has been fully complied with and no case of contempt is made out.

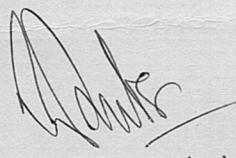
5. We have heard learned counsel for the parties, considered their submissions and perused the record.

6. It is not denied by the respondents that the payment of the applicant has been made after the lapse of one month as directed by this Tribunal in its order dated 3.1.2003. It is also not denied by the applicant that he has received the payments. Admittedly, the payments to the applicant have been made with delay.

7. The argument of learned counsel for the applicant is that the applicant is entitled for interest on the delayed payment in view of the law laid down by the Hon'ble Supreme Court in case of Bal Kishore Modi (supra) and Harendra Nath (supra). The jurisdiction of the Tribunal in any contempt case is limited and, therefore, it will not be appropriate for the Tribunal to pass any order in regard to payment of interest. In case the applicant is aggrieved by the same, he may approach the Tribunal on the original side. In view of the judgment of Hon'ble Supreme Court in case of K.G. Derasari & Ors Vs. Union of India & Ors 2002 SCC (L&S) 756, we observed that while considering the contempt application under Section 17 of the A.T. Act, 1985, we cannot issue directions which have the effect of reviewing the original order.

8. In view of the above, in our considered opinion, no case of contempt is made out. The contempt application is accordingly rejected in limine.

  
Member (J)

  
Member (A)

/pc/