

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 30th day of JULY 2003.

Hon'ble Maj Gen K.K. Srivastava, Member (A)
Hon'ble Mrs. Meera Chhibber, Member (J)

Contempt Application no. 45 of 2003
in
Original Application no. 1525 of 2002.

Hari Ram Srivastava
C/A Sri O.P. Mishra

... Applicant

Versus

J.R. Krishnan, Secretary, Ministry of Enviornment & Forest
& Ors.

... Respondents

By Adv : Sri S Chaturvedi.

O R D E R

Hon'ble Mrs. Meera Chhibber, JM.

By this Contempt Application the applicant has prayed for punishing the respondents for wilful disobedience of the order of this Tribunal dated 3.1.2003. It is submitted by applicant's counsel that inspite of the direction given by this Tribunal on 3.1.2003 in OA no. 1525 of 2002, to release the retiral benefits within 4 weeks, the respondents had not released the pensionary benefits of the applicant even though he had retired as back as on 31.7.2002 therefore he was forced to file the present contempt petition.

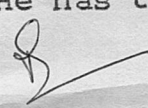
2. The above said OA was disposed of at the admission stage itself, in order to avoid any further delay in the matter, by directing the respondents to dispose of the representation of the applicant within a period of 04 weeks from the date of receipt of copy of this order and to release the pensionary benefits of the applicant within the above said period in case there is no legal impediment in the way of the applicant, otherwise respondents were given liberty to pass speaking order informing the applicant about the said legal impediment.

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3. Today, learned counsel for the respondents has filed counter affidavit stating therein that the directions given by this Tribunal have been complied with, as all the retiral benefits of the applicant have since been released. Therefore, he prayed that this contempt application may be dropped and notices issued against the respondents be discharged.

4. Learned counsel for the applicant on the other hand submitted that the very fact that no speaking order has been issued by the respondents shows that there was no legal impediment in the way of the respondents in granting retiral benefits to the applicant in time after his retirement as per rules and even now they have not explained as to how so much time was taken by them in releasing the retiral dues of the applicant therefore he is entitled to get interest on the delayed payments. It is seen from the counter that the retiral benefits have been paid to him only on 31.3.2003 i.e. Death Cum Retiral Benefit, Gratuity and Leave encashment of the applicant vide cheque no. 400571 dated 31.3.2003 for an amount of Rs. 1,89,608.00 and an amount of Rs. 1,15,520.00 vide cheque no. 400560 dated 27.3.2003. Respondents have further explained that so far as CGEGIS and part of Gratuity of Rs. 1000/- is concerned the said amount of Rs. 16,400/- has been paid to the applicant on 23.7.2003 vide cheque no. E-400598. Other cheque of Rs. 1000/- has also been prepared and the applicant can collect the same from the office of answering respondents.

5. Learned counsel for the applicant therefore submitted that though he has received the amount as stated by the respondents, but it was only after he approached this Tribunal firstly by filing an OA and then by filing Contempt Application, whereas it should have been given to him in normal course as per rules immediately after his retirement as there was nothing adverse pending against him. He has thus claimed that interest ...3/-



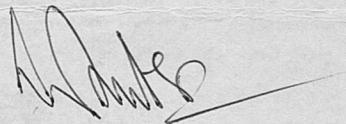
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of the said amount be also paid to him. In support of his contention, he has relied on the judgment given by Hon'ble Supreme Court in case of Bal Krishan Modi, reported in 2001 (42) ALR 184.

6. We have heard learned counsel for the parties and perused the judgment as well. It is seen that the earlier OA was disposed of at the admission stage itself without adjudicating any claim made by the applicant so that at least he could be given provisional pension in order to expedite the matter. We would agree with the applicant's counsel that the facts, which have come on record do show that there was some delay in releasing the retiral benefits in favour of the applicant but unfortunately as per law decided by Hon'ble Supreme Court, we cannot give any further direction in the contempt proceedings. More over this aspect has to be adjudicated upon as to who is responsible for the delay. Therefore, we give liberty to the applicant to claim interest on delayed payment by filing a fresh OA. As far as the present contempt petition is concerned, since respondents have released the pensionary benefits in favour of the applicant, no purpose would be served in keeping the contempt application pending any longer. Accordingly these contempt proceedings are dropped, notices issued to the respondents are discharged. However, liberty as mentioned above is given to the applicant.



Member J



Member A

/pc/