

(12)

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD**

PRESENT:

**HON'BLE MR. A.K. GAUR, MEMBER-J  
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A**

Allahabad this the 4th day of November, 2008

**Contempt Petition No. 182 of 2006  
In  
Original Application No. 109 of 2005**

B.L. Mishra, S/o late Babu Lal Mishra, R/o  
117/Q/90/A, Sharda Nagar, Kanpur

...Applicant.

By Advocate: Sri R.K. Shukla

Versus

Sri Saroj Kumar, Dy Controller of Finance &  
Accounts (Fys), Accounts Office, Ordnance  
Equipment Factory, Kanpur.

...Respondent.

By Advocate : Sri S. Srivastava.

O R D E R

**Delivered: By Hon'ble Mr. A.K. Gaur, Member-J**

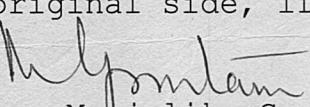
The learned counsel for the applicant has sent illness slip. On the last occasion also, learned counsel for the applicant had sent illness slip. It is settled principle of law that the contempt is a matter between the Court and contemnor even if the counsel for the applicant is not present on the ground of his illness, the case could be taken up for disposal. Learned counsel for the respondents Sri S. Srivastava invited our attention towards para 6 of the Counter Affidavit, wherein it is mentioned that after communication of the order dated 5.9.2008 passed by this Tribunal to the deponent, he has immediately communicated the same to the office of the Principal Controller & Accounts (Fys), Kolkata and after considering the direction of this Tribunal, the office of the Principal Controller of

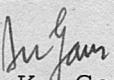
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(B)

Accounts (Fys) Kolkata has calculated the entire dues which were payable as per direction of this Tribunal and issued a fresh PPO in favour of the applicant which includes various amount. The information with regard to fresh PPO issued by the office of the Principal Controller of Defence Accounts (Pensions), Allahabad has already been sent to Central Bank of India, Pandunagar, Kanpur, so that the amount may be credited against the Bank account of the applicant. The amount of Rs. 6012/- towards difference of leave encashment has already been handed over to the applicant vide cheque no. 524432 and the same was received by the applicant.

2. Having perused the contents of the Counter Affidavit, we are satisfied that the respondents have not disobeyed the order of this Tribunal. In our considered opinion, the order and direction of this Tribunal has substantially been complied with by the respondents. We find no case for civil contempt. We accordingly dismiss the Contempt petition and notice issued to the respondent is hereby discharged. If the applicant is still aggrieved with the said compliance, he may approach in the original side, if so advised.

  
(Mrs. Manjulika Gautam)  
Member-A

  
(A.K. Gaur)  
Member-J

Girish/-