

(OPEN COURT)
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH ALLAHABAD

(THIS THE 01st DAY OF OCTOBER, 2010)

PRESENT:

HON'BLE MR. JUSTICE S.C. SHARMA, MEMBER-J
HON'BLE MR. S. N. SHUKLA, MEMBER-A

CONTEMPT PETITION. NO. 42 OF 2006
IN
ORIGINAL APPLICATION NO. 846 OF 2002
(U/s, 19 Administrative Tribunal Act.1985)

Sameer Kumar, Son of, late K. R. Prasad, Earlier Posted as Senior Accounts Officer (R.N.O. 227), and working in the office of C.D.A. (C.C.), Allahabad. Presently Resident of C/o Dr. (Mrs.) Madhuri Srivastava, Professor and Head, Department of Economics, B.H.U., Varanasi, Old C/2/2, Jodhpur Colony, B.H.U., Varanasi.

.....Applicant
By Advocate: Sri Shyamal Narain

Versus

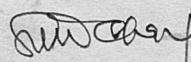
1. Sri V. K. Mishra, Secretary, Defence Finance, Ministry of Defence (Finance Division), Government of India, New Delhi.

By Advocate: Sri S. Srivastava

ORDER

(DELIVERED BY:- HON'BLE MR. JUSTICE S.C. SHARMA, MEMBER-J)

We have heard Mr. Shyamal Narain, Advocate for the applicant, Mr. Ajai Bhanot, Advocate for the Respondents and perused the Compliance Report filed by the Respondents. At the outset it will be the material to state and the learned counsel for the applicant also agreed that as the Compliance Report has been submitted by the counsel for the Respondents, under these

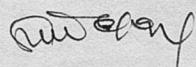


circumstances it will not be justified now to allow to continue the order regarding personal appearance of Secretary, Defence Finance, Ministry of Defence (Finance Division), Government of India, New Delhi. Under these circumstances we think it just and proper that as the Compliance Report has been submitted. Hence, now Secretary, Defence Finance, Ministry of Defence (Finance Division), Government of India, New Delhi is not required to appear personally and that order is deemed to be recalled.

2. Learned counsel for the applicant after due study of the Compliance Report expressed his apprehension regarding hand written endorsement on the P.P.O. (Annexure CA-3). Mr. Ajai  Bhanot, Advocate for the Respondents after making due inquiry from Sri Niranjan Kumar, Joint Controller, Finance/Account, Allahabad, who is personally present in the Court and states as follows:-

"That to his knowledge this endorsement at Annexure-CA-3 P.P.O. will not come on the way in making payment of pension to the applicant and in case any objection is raised by the Bank in the payment of pension due to existence of this endorsement on the P.P.O. they will ready and willing to facilitate and ensure the payment from the Bank according to the P.P.O."

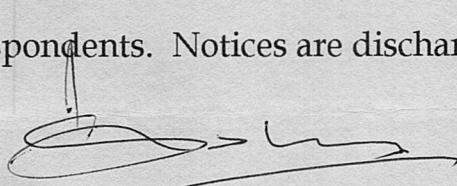
3. Learned counsel for the applicant points out one more mistake in the P.P.O. regarding the date of Commutation. He stated that the date of commutation must be the date of superannuation i.e. on 31.12.2001 whereas, the Respondents has shown the date of



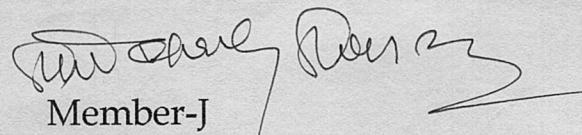
commutation as 23rd September, 2010. Learned counsel for the applicant also stated that he ~~accepted~~^{permitted} this as a clerical mistake. On it learned counsel for the Respondent Sri Ajai Bhanot² stated that this is not a clerical mistake rather he stand by that. We are not required to comment on this point, because if it is correct then it may be the subject matter of the fresh cause of action to the applicant. We agree with the contention of the learned counsel for the Respondents that this cannot be a cause for willful disobedience. Learned counsel for the applicant concedes that he has not studied this fact.

4. As Compliance Report is submitted on behalf of the Respondents^{hereo} there appears no justification to continue this Contempt Proceeding and it is to be dropped and notice be discharged.

5. Contempt Petition is dismissed on filing of Compliance Report by the Respondents. Notices are discharged.


Member-A

/Dev/


Member-J