

CCA NO. 156/08

In

OA NO. 122/05

03.11.2009

Hon'ble Mr. Justice A.K. Yog, Member (J)

Hon'ble Mr. S.N Shukla, Member (A)

Heard Shri O.P Gupta, learned counsel for the applicant at length.

In the instant case, Tribunal passed order dated 16.11.2007 in O.A. NO. 122/05 (Annexure 1 to the Contempt Petition). Relevant para 6 d 7 of the said order of the Tribunal reads:-

"6. In view of the above, the O.A. is disposed of with the following:.

- (a) The authorities shall ascertain the extent of leave (of all kinds) available at the credit of the applicant as on 01.10.1988.*
- (b) The leave so available would be adjusted against the period of absence from 1988 to 1994.*
- (c) The grant of increment shall accordingly be advance.*
- (d) The salary due would be worked out for the period of leave.*
- (e) The period of 12 years service would also be accordingly advanced and his ACP benefits recalculated.*
- (f) In view of the advancement of the ACP, his pay shall also be worked out and difference in pay due and drawn calculated.*
- (g) The amount of leave encashment at he time of superannuation shall be adjusted against the amount due vide (d) plus (f) and the balance, if any, paid/recovered.*
- (h) The pay last drawn on the basis of Advancement of ACP would be ascertained and terminal benefits worked out accordingly.*
- (i) The above drill be conducted only when there be substantial period of earned/half pay leave available (i.e. of 180 days and above) as otherwise, the entire exercise would be commensurate with the benefits available to the applicant.*


7. With the above Direction, the O.A is disposed of. No costs"



Being aggrieved on non-action/non-compliance of said order of the Tribunal by respondent Authority, applicant filed present Contempt Petition NO. 1566/08 – impleading one R.K. Meena, Regional Director, Handicraft, Lucknow as Opposite Party/Respondent in the present Contempt Petition.

Opposite Party (R.K. Meena) has filed counter affidavit alongwith Application for condoning delay (M.A. NO. 8825/08). Delay in filing counter affidavit is condoned and said M.A allowed. Counter Affidavit (sworn by R.K. Meena) is taken on record.

In para 4 of the said counter affidavit, it is disclosed that respondent department took necessary steps to work out leave, extra - ordinary leave and benefit of ACP as per direction given in para 6 of the aforementioned order of the Tribunal. In said para 4 of the counter affidavit, it is further disclosed that as per direction of the Tribunal, arrears have to be worked out and arrears to be paid as per fixation of pay as per order dated December 3/4, 2008 (Annexure CA- 2). There is no denial that Applicant has not been paid arrears as per direction contained in para 6 of the order of the Tribunal (quoted above).

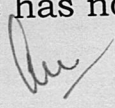


Learned counsel for the Respondent has drawn our notice to the observation made in para 4 of the said counter affidavit to the effect “.....**Copies of the orders have also been communicated to the office of the Central Pay & Accounts Office, New Delhi for revision in the pensionary benefits.....**”

Para 4 of the said counter affidavit has been replied by the applicant vide para 4 of the rejoinder affidavit and orders dated December 2/4, 2008 and December 3/4, 2008 (Annexure CA-1 and 2) have not been denied. Applicant, however, contends that “.....**till the date he is not given any payment as has been directed in the operative part of the judgment**”

Opposite party does not claim ‘payment’ being made to the Applicant. According to the opposite party, paper work has been done but no payment made under its order has been sent to the Pay and Accounts Department but no payment made and the order of the Tribunal has not been complied with.

Applicant is present in person and on the basis of instruction received from him, learned counsel for the applicant stated that he has not received payment so far.



He further informed that Applicant had approached Pay and Accounts Department also but no heed paid.

Be that as it may be, we direct opposite party – R.K. Meena and also Senior Accounts Officer, C.P.A.O, Office of D.C. (H), New Delhi to work out arrears on the basis of said order dated December 2/4, 2008 and December 3/4, 2008 (Annexure CA-1 and 2) and ensure payment through Account Payee Demand Draft drawn in the name of the Applicant of entire arrears/dues to the Applicant by placing said demand draft before this Tribunal on the next date fixed.

Shri S.K. Pandey, Advocate holding brief of Shri Amit Sthalekar, Advocate learned counsel for the respondents undertakes to inform concerned officers to ensure payment of all amount arrears due to the Applicant (on the basis of pay fixed under Tribunal order in question) within 6 weeks from today.

List on 20.1.2010. On the next date, requisite demand draft as indicated above shall be placed at the disposal of the Court for being delivered to the Applicant against duly executed receipt.


A.M

Manish/-


J.M

(Open Court)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 1st day of *December* , 2010.

Contempt Petition No.156 of 2008

In

Original Application Number. 122 OF 2005.

**HON'BLE DR. K.B.S. RAJAN , MEMBER (J).
HON'BLE MR. D.C. LAKHA, MEMBER (A).**

Prabhu Nath Yadav, S/o Late Pancham Yadav, aged 61 years, R/o
Vill. Post Dundwa Kukurauthi, District Sant Ravi Das Nagar.
.....Applicant.

VERSUS

R.K. Mina, Director (Handicrafts), Office of Development
Commissioner (H), C R Kendriya Bhawan 7th Floor Aligang, See -
H,Lucknow. 226024.

.....Respondents

Advocate for the applicant: Sri Dharmendra Tiwari

Advocate for the Respondents : Sri Amit Sthalekar

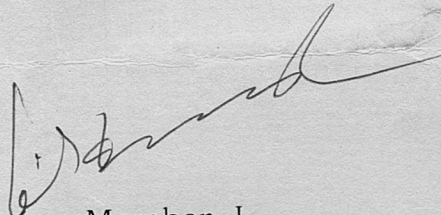
ORDER

By Hon'ble Dr. K.B.S. Rajan, J.M. :

Shri Dharmendra Tiwari, learned counsel for the applicant
submits that the order has complied with. As such contempt petition
is dismissed. Notice has discharged.



Member-A



Member-J

RKM/