

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

C.C.P. 39/06 in

O.A. No. 167/02

Lucknow this the 23rd day of August 2006

Hon. Mr. N.D. Dayal, Member (A)

Hon. Mr. M. Kanthaiah, Member (J)

**R.S.L. Srivastava, aged about 70 years, son of late Sri S.S. Lal r/o C-56,
Mandir Park Road, Mahanagar Extension Lucknow.**

Applicant.

By Advocate Shri A. Moin.

Vs.

**Dr. C.M. Gupta, Director, Cenral Drug Research Institute,
Chhatarmanzil, Lucknosw.**

Respondent.

By Advocate Shri P.K. Srivastava for Shri A.K. Chaturvedi.

Order (oral)

By Hon. Mr. N.D. Dayal, Member (A)

1. Upon hearing the learned counsel for both the parties it transpires that the Tribunal, by its order in O.A. No. 167/02 on 20.9.05, passed the following directions:

"13. In the result, this O.A. is allowed. Impugned order dated 18.3.2002 imposing a penalty of 25% cut in pension per month for the period of 6 years and realization of Rs. 59,280/- from the DCRG and leave encashment with panel interest is set aside. As a consequence the applicant would be entitled to full pension and DCRG. However, respondents are not prohibited to pass orders afresh in accordance with rules.

14. In the circumstances, we direct the parties to bear their respective costs."

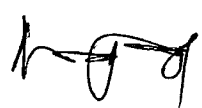
2. Accordingly, the respondents have re-considered the matter in terms of the liberty granted to them and passed an order on 29.5.06 whereby a view has been expressed by the Chief Vigilance Officer that the disciplinary proceedings should be conducted afresh. It is therefore, stated therein that the amount due if any, on account of gratuity and leave encashment may be released after withholding the amount determined as contributory liability towards fictitious payment.
3. A perusal of the order passed by the Tribunal shows that the penalty imposed after disciplinary proceedings was of a cut of 25% in pension per month for the period of six years and realization of Rs. 59,280/- from

DCRG and leave encashment with penal interest set aside and the impugned order dated 18.3.02 was also set aside. As a consequence, the applicant was entitled to full pension and DCRG. It is stated that the DCRG and full pension have been restored which is not disputed. However, it is contended by the learned counsel for the applicant that it was not open to the respondents to order that the amount due to the applicant if any on account of gratuity and leave encashment be released after withholding the amount determined as contributory liability towards fictitious payment. It is further pointed out by the learned counsel for the applicant that as per para 6 at page 9 of the C.A. filed by the respondents, while payments of D.C.R.G and leave encashment have been made, the amount of Rs. 59,280/- which had been realized from DCRG, but such realization was set aside, has been again withheld.

4. We are, therefore, of the view that the respondents have yet to comply in letter and spirit with the order passed by the Tribunal in the O.A. They are, therefore, granted time of two weeks to release the withheld amount from the date of receipt of copy of this order. The order of release be passed by the competent authority as has been done earlier in partial compliance of the order of the Tribunal. The Contempt Application is closed with the above directions.


Member(J)

s.a.


Member (A)