

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

CCP No. 39 of 2007

In re.

Original Application No. 269 of 2006

Reserved on 18.2.2014

Pronounced on 11th March 2014

Hon'ble Mr. Navneet Kumar, Member-J

Hon'ble Ms. Jayati Chandra, Member-A

Smt. Nirmalatimika Mishra, aged about 64 years, W/o late Satish Narain Mishra, R/o A-967/17, Indira Nagar, Lucknow.

.....Applicant

By Advocate : Sri S. Lavania.

Versus.

1. Sri D.S. Mathur, adult, s/o of not known to the applicant, Secretary, Department of Telecommunication, Room no. 210, 2nd floor, Sanchar Bhawan, Ashoka Road, New Delhi.
2. Ms. Shilpi Sinha, adult, daughter of not known of the applicant, Deputy Controller of Communication, Accounts Department of Telecommunications, U.P. (East) Telecom Circle, Bhopal House, Lalbagh, Lucknow.
3. Sri M.Z. Iqbal, adult, S/o of not known to the applicant, Deputy General Manager (Admn.), BSNL, Office of Principal General Manager, Lucknow Telecom District, Gandhi Bhawan, Lucknow.

.....Respondents.

By Advocate : Sri Praveen Kumar for Sri G.K. Singh for R-1 and R-2 and Pankaj Awasthi for Sri A.K. Chaturvedi for R-3

O R D E R

Per Ms. Jayati Chandra, Member (A)

The applicant has filed the present Contempt Petition alleging non-compliance of the Tribunal's interim order dated 9.6.2006 passed in Original Application No. 269 of 2006. The operative portion of the order reads as under:-

"In the result, the claim of the petitioner for payment of her admitted retiral dues relating to the GPF, Insurance, Provisional Pension, leave encashment etc. is allowed with a direction to the respondents to pay it within a period of two months from the date of this order. Post the main case on 6.7.2006."

J. Chandra

2. The respondents have filed their compliance report stating therein that following payments have been made to the applicant:

1. GPF Rs. 19,471/- vide cheque no. 031632 dated 31.7.2006.
2. Insurance Rs. 8,880/- Voucher No. 365 dated 29.8.2006.
3. Leave encashment Rs. 49,639/- vide cheque no. 078683 dated 22.7.2006 and
4. Arrears of pension Rs. 2,77,041/- vide cheque no. 031639 dated 1.8.2006.

3. The applicant has admitted that she has been paid the aforesaid amount as stated in the compliance report. However, she has stated that she is entitled to total amount of Rs. 16,0076/- by way of G.P.F. and she has filed a copy of statement of account alongwith Contempt Petition to state the same. She has further challenged the figure of Rs. 19,471/-as the amount due to her as the respondents-contemnors have not disclosed the basis of calculation for arriving at such an amount.

4. We have heard the learned counsel for the parties and perused the pleadings on record. It is seen that by way of interim order, the respondents were directed to pay only the admitted retiral dues relating to the GPF, Insurance, Provisional Pension, leave encashment etc., which has now been paid. The dues as admitted by the respondents-contemnors have been paid, although the applicant remains unsatisfied. The scope of Contempt petition cannot be enlarged to adjudicate upon the issue involved in the Original Application or to go into the rightness or wrongness of the order passed by the respondent/contemnor concerned in compliance of the order of the Court/Tribunal. The Hon'ble Supreme Court in the case of **Prithavi Nath Ram Vs. State of Jharkhand reported in AIR 2004 SC 4277** has held that Court dealing with application for contempt of court cannot traverse beyond the order. It cannot test correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction with an application for initiation of contempt proceedings. The same would be impermissible and indefensible. Further, in the case of **Bonbehari Roy Vs. Kolkata Metropolitan Development Authority**

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reported in AIR 2004 Cal 254B the Hon'ble Supreme Court has held that the various different modes of execution of orders and decrees, as recognized by law, cannot be resorted to by the Court in a contempt proceedings.

5. In view of the pronouncements of Hon'ble Supreme Court cited above, we find that the respondents/contemnors have not acted in a manner which can be deemed to be a willful disobedience of the interim order of this Tribunal dated 9.6.2006 passed in Original Application No. 269 of 2006.

6. In view of what has been stated hereinabove, the CCP fails and is accordingly dismissed. Notices issued to the respondents are hereby discharged.

J. Chandra
(Ms. Jayati Chandra)
Member-A
Girish/-

Navneet Kumar
(Navneet Kumar)
Member-J