

Central Administrative Tribunal, Lucknow Bench, Lucknow
CCP No. 82/2008 in Original Application No.66/2006

This the 21st day of November, 2013

Hon'ble Sri Navneet Kumar , Member (J)
Hon'ble Ms. Jayati Chandra, Member (A)

Ram Pal Singh aged about 64 years son of Sri Kalika Singh
retired Postal Assistant, r/o 266/610 Kalika Singh Ka Hata
Behind Telephone Exchange, Bhadewan, Lucknow

Applicant
By Advocate: Sri R.S.Gupta

Versus

1. Ms.Radhika Durai Swami, Secretary, Department of Post, Dak Bhawan, New Delhi.
2. Smt. Nivadita Srivastava, Director Accounts, (Postal) U.P. Circle, Aliganj, Lucknow.

Sri G.S. Rawat, Senior Superintendent of Posts Offices, Faizabad.

Respondents
By Advocate: Sri S.P.Singh

(Reserved on 21.11.2013)

ORDER

BY HON'BLE SRI NAVNEET KUMAR, MEMBER (J)

The present Contempt petition is preferred by the applicant for non-compliance of the order dated 7th July, 2008 passed in O.A. No. 66/2006, wherein the Tribunal directed as under:-

“12. In the result, O.A. is allowed quashing the impugned order covered under Annexure-1 and Annexure -2 with a direction to the respondent authorities to pay the balance GPF amounts to Rs. 19,986/- lying to the credit of the account of the applicant on the date of his retirement as on 31.10.2004 with admissible interest as per rules till the date of payment. The respondents are at liberty to take steps against the applicant , for recovery of excess amount if any, if there was any error in the GPF A/c of the applicant and made excess payment after giving show cause notice and adopting the procedure as per rules. No costs.”

2. Learned Counsel appearing on behalf of the applicant submitted that despite the specific direction of the Tribunal, the respondents have not complied with the order, as such they have committed gross contempt and are liable to be punished.

3. The learned counsel appearing on behalf of the respondents has filed the compliance report and has pointed out that the respondents have preferred Writ Petition No. 159(S/B) of 2009 (Union of India and others Vs. Ram Pal Singh and others) before the Hon'ble High Court and the Hon'ble High Court vide order dated 4.2.2009 has been pleased to pass the following orders:-

"Hon'ble U.K. Dhaon,J
Hon'ble Dr. Satish Chandra,J
 Heard Sri Rituraj Awasthi, Assistant Solicitor General of India.
 Admit.

Appearance on behalf of opposite Party No.1 has been put in by Sri R.S.Gupta, who prays for and is granted four weeks time to file counter affidavit.

List this petition in the month of March 2009.

Till then the direction of the Central Administrative Tribunal , Lucknow Bench , Lucknow as far as it relates to the payment of Rs. 19,989/- to the opposite party no.1 shall remain stayed."

4. The learned counsel filed Supplementary Affidavit on 22.10.2013 duly sworn by one Ram Kishore Mishra, Senior Superintendent of Post Offices, Faizabad Division, Faizabad and as per para 3 of the said Supple. Affidavit, it is clearly mentioned that the writ petition filed by the respondents is still pending and the interim order is still operating which was passed by the Hon'ble High Court. Apart from this, the learned counsel for applicant has not filed any objection/ Rejoinder Reply to the said Supple. Affidavit controverting the averments made in the affidavit.

5. Considering the submissions made by the learned counsel for parties and also perusal of the record, it is evidently clear that

the order passed by the Tribunal is challenged by the respondents through Writ Petition No. 159 (SB)/2009 before the Hon'ble High Court and the Hon'ble High Court vide order dated 4.2.2009 has been pleased to pass an interim order. The averments of respondents also not in dispute to the extent that the writ petition preferred by the respondents is still pending before the Hon'ble High Court and interim order granted by the Hon'ble High Court vide order dated 4.2.2009 is still operating in favour of Union of India.

6. Considering the such submissions, we do not find any reason to let the present contempt petition pending, as such the present CCP is dismissed. Notices issued stands discharged.

J Chandra

(JAYATI CHANDRA)
MEMBER (A)

Navneet Kumar

(NAVNEET KUMAR)
MEMBER (J)

HLS/-