

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH

**Execution Application No. 2240/2009 CCP No. 43/2008 in
O. A. No. 511/2006**

This, the ^{7th} 26 day of March, 2012

**HON'BLE JUSTICE ALOK KUMAR SINGH, MEMBER (J)
HON'BLE SHRI S.P. SINGH, MEMBER (A)**

Pooran Chandra Jain

Applicant.

By Advocate: Sri G.Singh

Versus

1. Secretary, Ministry of Defence, South Block, New Delhi-11.
2. Engineer -in-Chief, Army HQ, Kashmir House, Rajaji Marg, New Delhi-11.
3. Chief Engineer, Central Command, lucknow, Mahatma Gandhi Marg, Lucknow Cantt. Lucknow.

Respondents

By Advocate: Sri S.P.Singh

(Reserved on 20.3.2012)

ORDER

By Hon'ble Shri Justice Alok Kumar Singh, Member (J)

O.A. No.511/2006 was disposed of on 6.11.2007 with the direction to the respondent No. 2 to pay the applicant, his arrears of pay of the Post of ASW, SW and SSW for the relevant period mentioned in the order after refixing his pay from those dates, together with interest @ 10% per annum within a period of 3 months. But the respondent No.2 did not comply with the orders. Therefore, a contempt petition No.43/2008 was filed, which was decided on 16.3.2009 saying that in the light of a writ petition pending before the Hon'ble High Court, where there is no stay granted, the contempt petition stands closed with a direction to the respondents to comply with the Tribunal's direction which may be subject to out come of the writ petition, within a period of three months from the date of receipt of a copy of this order.

2. A copy of this order was served upon the respondents vide applicant's registered letter dated 28.3.2009 and 19.6.2009 (Annexure EA-2 and EA-3). But the compliance was not being made on the ground that

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final arguments have been heard in the writ petition and the judgment is likely to be rendered very soon. But there was no stay order from the Hon'ble High Court.

3. The original judgment of the O.A. was of November 2007. When the compliance was not made, then above contempt petition was filed which too was decided in March, 2009 giving further opportunity of three months to comply with the orders. Compliance was still not made. Thus, in nut shell, the compliance was not made by respondent No.2 for about 4 years in all.

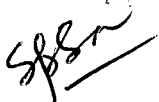
4. From the side of the applicant, it was brought on record that in an identical matter, the payment has been made in favour of Sri Gajendra Singh by means of a cheque and in that case also, writ petition was pending in the High Court. But the applicant is being dealt with differently though, he is also a similarly situated person. Even otherwise also, in the absence of any stay order from Hon'ble High Court, there was no justification for evading the compliance. Ultimately, therefore, on 9.1.2012, a detailed stop order was passed for making the payment positively within 4 weeks, failing which the attachment proceedings shall be taken up in accordance with relevant rules and provisions. Finally, in compliance of the order, a payment of Rs. 5,50,000/- was made vide cheque No. 030740 dated 13.2.2012, which has been admittedly received by the applicant on 21.2.2012. But according to the calculation of the applicant, a total amount comes to Rs. 5,74,234/- {Rs.2,27,636.55 (Principal Amount) and Rs. 3,46,597.07 (10% interest as awarded by the Tribunal)}. In this regard, he has also submitted a letter addressed to the Chief Engineer, Central Command, Opposite Party No.3 enclosing therewith the details of principal amount and interest containing into 27 sheets. A copy of this letter was also submitted for perusal.

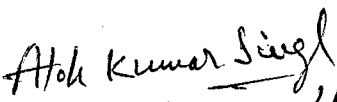
5. In view of the above, it is hoped that the opposite parties/ respondents shall do the needful in respect of the residual amount, if any

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as shown in above calculation within 6 weeks, which may be subject to outcome of the above writ petition.

6. In view of the averments made in the compliance affidavit and other affidavits on behalf of the respondents that they have not made any deliberate delay, at this juncture, this Tribunal restrains itself from taking any action. With the aforesaid observation, this Execution Application stands disposed of.


(S.P. Singh)
Member (A)


(Justice Alok Kumar Singh)
Member (J)
26.3.2012

HLS/-