

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Civil Contempt Petition No.6/2009
In
Original Application No.430/2006
This day of April 2010**

**HON'BLE MR. M. KANTHAIAH, MEMBER (J)
HON'BLE DR. A.K. MISHRA, MEMBER (A)**

Kamta Prasad, aged about 66 years, son of Late Prahlad, Resident of Village Phuteha Kuwan, Near Police Line, Behraich.

.....Applicant

By Advocate: Shri Surendran P.

Versus.

1. Smt. Neelam Srivastava, Chief Post Master General, U.P. Circle, Lucknow.
2. Sri Pranav Kumar, Director of Postal Services, Gorakhpur Region, Gorakhpur.
3. Sri P.N. Khan, Superintendent of Post Offices, Bahraich.

.....Respondents.

By Advocate: Shri B.P. Singh.

ORDER

The applicant has filed this Contempt Petition under Section 17 of the Central Administrative Tribunal Act, 1985 on the ground that the respondents have failed to comply the order dated 09.01.2008 passed by this Tribunal and as such they are liable for punishment under Contempt of Court Act.

2. The respondents have filed Counter Affidavit, stating that they have complied the direction of the Tribunal and as such disobedience of the orders passed by this Tribunal does not arise.
3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. The brief facts of the case are that the applicant filed main OA to issue direction to the respondents to pay interest at 12 % and also penal interest on delayed payment of retiral benefits and after hearing both sides this Tribunal passed order dated 09.01.2008 allowing the claim of the applicant with a direction to the respondents to pay interest on the delayed payment as per rules from August, 2003 till the date of actual payment made after deducting payments, if any, made towards interest within a period of three months. On perusal of the order, it is clear that the claim made in respect of interest on the delayed payment of retiral benefits and this Tribunal also ordered for payment of such interest on delayed payment as per rules. Subsequently, there was modification of the main order vide order in M.A.No.1213/2009 dated 28.08.2009, clarifying that the GPF rates as applicable from time to time should be taken into consideration while computing the interest payable to the applicant on delayed payments. Admittedly, the applicant was retired from service on 31.01.2003 on attaining the age of superannuation but some departmental proceedings were pending against him at the time of retirement.

6. The respondents reply shows that they have paid Gratuity amount of Rs.1,88,255/- on 11.08.2005, Leave Encashment amounting to Rs.1,14,700/- on 11.08.2005, CGEIS amounting to Rs.17,308/- on 14.09.2005 and Commutation amounting to Rs.1,61,626/- on 10.11.2005. They also admitted payment of interest on delayed payment of DCRG amounting to Rs.36,007/- on 5.12.2006. From this, it is clear that whatever payments due to

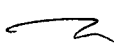
the applicant i.e. Gratuity, Leave encashment, CGEIS, Commutation have been paid only in the month of August, September and November, 2005, though, he retired on 31.01.2003.

7. The respondents also filed reply stating that on 08.1.2009 the authorities have paid Rs.18352/- towards interest on leave encashment, Rs.2885/- towards CGEIS and Rs.29093/- towards commutation and they also further stated on earlier occasion they paid Rs.36,007/- on 5.12.2006 towards interest on DCRG. Thus, they stated that all interest on delayed payment of retiral dues have been paid to the applicant.

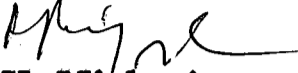
8. Even from the applicant, he is not clear what is actual amount of interest payable by the respondents and no details have been furnished and if he is not satisfied with such calculation and payments shown by the respondents, he is at liberty to file fresh proceedings for those amounts more particularly interest on delayed payment in respect of Gratuity, Leave encashment, CGEIS and Commutation and agitating such differential amounts if any in this contempt petition is not at all maintainable.


9. The applicant also claimed interest on some other amounts i.e. leave salary, other salary and Bonus etc, which are not falling within the purview of retiral benefits and when his claim in main OA was only in respect of delayed payments of retiral dues, he is not justified in agitating these claims in the CCP.

10. Thus, there are no merits in the claim of the applicant to show that the respondents have intentionally disobeyed the orders of this Tribunal dated 09.01.2008 and modification order dated 28.08.2009 for initiation of CCP as such, the CCP is dismissed with a liberty to the applicant to file a fresh OA, if he is not



satisfied with the calculation and payments made by the respondents in respect of interest on delayed payment of retiral dues. Notices are discharged.


(A.K. Mishra)
Member (A)


(M. Kanthaiiah)
Member(J)

amit/-