

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

CCP No. 07 of 2015

In re.

Original Application No. 505 of 2010

Reserved on 26th October, 2016

Pronounced on 27.10.2016.

Hon'ble Ms. Jayati Chandra, Member-A

Hon'ble Dr. Murtaza Ali, Member-J

1. Yamuna Singh, aged about 70 years, S/o late Sri Hari Har Singh, R/o Hari Om Satguru Bhawan, A.F. Road, Bakshika-Talab, Lucknow.
2. H.N. Shukla, aged about 70 years, S/o late Sri N.L.Shukla, R/o Mohalla Dayanand Nagar behind Old Telephone Exchange, Barabanki.
3. Madadin, aged about 71 years, S/o late Sri Kallu Ram, R/o Ramzan Nagar, Nawgarh, Siddharth Nagar.
4. P.L. Rathore, aged about 70 years, S/o late Sri Nanhey Lal, R/o House No. 18/342, Indira Nagar, Lucknow.
5. Mool Ram Verma, aged about 75 years, S/o late Sri Shiv Dayal Verma, R/o 342/2 Begambagh, Sitapur.
6. Ram Deo, aged about 73 years, S/o late Chhatanke, R/o 6/315 Gomti Nagar, Lucknow.

.....Applicants

By Advocate : Sri Surendran P.

Versus.

1. Sri Alok Rawat, Secretary, Department of Personnel & Pensioners Welfare, Lok Nayak Bhawan, New Delhi.
2. Sri Tripti P. Ghosh, Director (PP), Department of Pension and Pensioners's Welfare 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi.
3. Smt. Sarita Singh, Chief Postmaster General, U.P. Circle, Lucknow.
4. Sri B.Chandra Shekhar, CPMG, U.P. Circle, Lucknow

.....Respondents.

By Advocate : Sri S.P. Singh .

ORDER

By Ms. Jayati Chandra, Member-A

The present Contempt petition has been filed by the applicants for alleged non-compliance of the judgment and order of this Tribunal dated 23.5.2014 passed in Original Application

J. Chandra

No. 505 of ²⁰¹⁰~~2014~~. The operative portion of the order reads as under:-

"The impugned order dated 19.3.2010 as contained in Annexure A-1 to the O.A. is liable to be quashed. It is accordingly quashed. The O.A. is allowed. The respondents are directed to be re-fix the pension and pay the arrears within a period of three months from the date of receipt of copy of this order. The applicant will not be entitled for any interest. No order as to costs."

2. In compliance of the order of this Tribunal, the respondents have filed compliance report by enclosing the order dated 9.6.2015 whereby chart has been shown by giving PPO numbers and revision of Pensions w.e.f. the dates mentioned therein. Thereafter, the Contempt petition was heard. Vide order dated 16.9.2015 this Tribunal directed the respondents to file a better compliance affidavit within a period of three weeks and directed the case to be listed on 6.10.2015.

3. Pursuant to the aforesaid order, the respondents have again filed compliance report stating therein that the pension of all the applicants has been worked out and the applicants are getting the pension by enclosing detailed chart as Annexure no.1 showing the basis for revision of pension of the applicants. Further, revised PPOs of all the applicants have already been issued vide letters dated 31.3.2015, 22.4.2015, 8.5.2015 respectively in compliance of the order of this Tribunal dated 23.5.2014. It is further stated that O.M. dated 30.7.2015 has been issued in compliance of the order issued by Principal Bench, a copy of which has been annexed as Annexure no.2.

3. Learned counsel for the respondents submitted that the judgment and order of this Tribunal has been fully complied with in its letter and spirit as the pension has been fixed in accordance with the directions of Hon'ble High Court at Delhi dated 29.4.2003 passed in Writ petition no. 1535 of 2012 and nothing remains to be adjudicated, to which learned counsel for the applicants stated that the judgment of this Tribunal has not been complied as yet.

4. We have heard the learned counsel for the parties and have also perused the pleadings available on record.

J. Chandra

5. As observed by the Hon'ble Supreme Court in the case of **J.S. Parihar Vs. Ganpat Duggar** reported in 1996 Legal Eagle (SC) 1385 and also in the case of **Prithavi Nath Ram Vs. State of Jharkhand** reported in AIR 2004 SC 4277 the Hon'ble Supreme Court 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. The rightness/wrongness of an order can be adjudicated upon only through a separate O.A.

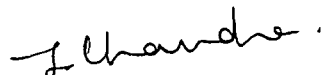
6. Apart from this, the Hon'ble Supreme Court in the case of **Chhote Ram Vs. Urvarshi Gulati & Another** reported in AIR 2001 SC 3468 has observed as under:-

"Court directed for considering the case of the applicant for promotion. The case of the petitioner was duly considered, but his claim for promotion was rejected and in that even since the case of the applicant was considered as such, the contempt proceedings cannot be proceeded as there is no violation of any direction issued by the Court."

7. In view of the above legal preposition, the CCP fails and is accordingly dismissed. Notices issued to the respondents are hereby discharged.



(Dr. Murtaza Ali)
Member(J)



(Ms. Jayati Chandra)
Member (A)

Girish/-