

This is an application
D/S/17 of the
A-7-Act 1985
It is in prescribed
format & paper
book form.
It is free
from defect.
Submitted
before the
bench for
hearing along
with o.A on /CBS/ (L.R.K. PRASAD)
25.5.2000.

1./ 25.5.2000.

Shri M.P. Dixit, the counsel for the applicant.

Upon hearing the counsel for the applicant and on perusal of the record, we direct that show cause notices to the respondent No. 2 be issued as to why contempt proceedings be not initiated against him. Reply may be filed within six weeks. Requisites may be filed within one week. List it on 14.7.2000 for hearing on contempt.

for Cole
MEMBER (A)

S. Narayan
(S. NARAYAN)
VICE-CHAIRMAN

2/14.7.2000 Sh. M.P. Dixit, counsel for the applicant.

Sh. P.K. Verma, counsel for the respondent.

Sh. Dixit states that the respondent should be directed for their personal appearance and they have not filed show cause inspite of service of notices to them. Sh. Verma states that though he has not received power in the CCPA on behalf of respondent but it is being in his knowledge that a writ petition has been filed against the order dated 13.9.99, passed in OA 548/96, and non compliance of which have been complaint in the CCPA. Sh. Verma further submitted that there is a decision of Hon'ble Supreme Court according to which, ~~any~~ order ~~was~~ challenged before the higher forum, the CCPA which is in the nature of execution proceeding ~~was~~ should not proceed. In view of the aforesaid submission of Sh. Verma, list it for hearing on 31.7.2000. In the meantime, the respondent may file show cause. Sh. Verma is requested to make available the aforesaid decision referred to by him, on the aforesaid point. List it for hearing on 31.7.2000.

AKJ

AKJ
(L.RMINGLIANA)

MEMBER (A)

L.J.HA
(L.J.HA)
MEMBER (J)

3/31.7.2000

Shri M. P. Dixit, counsel for the applicant.

The learned counsel for the respondents Shri P. K. Verma states that there is a ruling of the Hon'ble Supreme Court as reported in 1995 SCC (Supplementary Vol. 4) page 465, according to which if a writ petition is filed against the order of this Tribunal, the contempt proceeding should be allowed to proceed. He has not filed show-cause reply as directed vide order dated 14.7.2000. The writ petition number is also not brought on the record. The learned counsel for the respondents is directed to file show-cause reply positively by the next date taking the aforesaid stand in the show-cause reply. List it for hearing on 1.9.2000.

LJ

M.S.

(L. Hmingliana
Member (A))

(Lakshman Jha)
Member (J)

4/1.9.2000

Shri G. Bose, counsel for the respondents.

Shri J. K. Karn, for Shri M. P. Dixit, counsel for the applicant, prays for and is allowed time. List it for hearing on 22.9.2000.

LJ

M.S.

(L. Hmingliana)
Member (A)

(Lakshman Jha)
Member (J)

5/22.9.2000

Shri M. P. Dixit, counsel for applicant

Shri P. K. Verma, counsel for respondents

Show cause not filed. This case

relates to family pension. The learned

counsel for respondents, Shri P. K. Verma,

states that a writ ~~petitio~~ petition has

been filed against the order, out of which

the CCPA arises. It appears from the order

dated 14.7.2000 that Shri Verma was required

to file a decision of the Hon'ble Supreme Court according to which, if the order is challenged

before the higher Court the CCPA, which is in the nature of execution proceedings, should

not proceed. The reference of the ruling is not made available. The stay order is also not there.

2. In view of the aforesaid facts and circumstances, the learned counsel for the respondents is directed to file show cause pulpably on the next date, failing which personal appearance may be compelled. List the CCPA for hearing on 16.10.2000.

SKS

(L. Hmingliana)/M(A)

(L. Jha)/M(J)

6x

16.10.2000

Shri M.P.Dixit..counsel for the applicant

CM

Shri P.K.Verma..counsel for respondents.

Let it be listed on 24.10.2000 for hearing on contempt matter.

(L.R.K.Prasad)

M(A)

(S.Narayan)

V.C.

7

24.10.2000

CM

Let it be listed on 10.11.2000 for hearing on contempt matter.

(L.R.K.Prasad)

M(A)

(S.Narayan)

V.C.

8/10.11.2000 : Shri M.P.Dixit, counsel for the applicant.
None for the respondents.

Let it be listed on 24.11.2000 for
hearing on contempt.

skj

prasad
(L.R.K.Prasad)/M(A)

SN
(S.Narayan)/V.C.

9/24.11.2000 : For want of DB, the hearing on contempt is
adjourned to 12.12.2000.

skj

prasad
(L.R.K.Prasad)/M(A)

10/12.12.2000

For want of time, let it be listed for
hearing on 10.1.2001.

MPS.

prasad
(L.R.K.Prasad)/M(A)

SN
(S.Narayan)/V.C.

11/ 10.1.2001.

Shri M.P. Dixit, the counsel for applicant.

Shri P.K. Verma, the counsel for respondents

Three weeks further time by way of last
chance is allowed. On the request, list it on
1.2.2001 for hearing on contempt.

/CBS/

prasad
(L.R.K.Prasad)/M(A)

SN
(S.Narayan)/V.C.

11
1.2.2001
CM

Shri M.P.Dixit..counsel for the applicant.

None appears for the respondents. Upon
hearing the counsel for the applicant and on
perusal of record, it is directed that rule of
contempt be issued against respondent no.2 returnable
within 8 weeks. List it on 26.3.2001 for hearing
on CCPA.

prasad
(L.R.K.Prasad)
M(A)

SN
(S.Narayan)
V.C.

Notices
issued on
19.3.2001
19/3/2001
for permission
to file
His case
before the
Hon'ble DB
for hearing on
19/3/01
Kept in file
C.
prasad

12/26.03.2001 : Shri M.P.Dixit, counsel for the applicant.

None for the respondents.

We have taken note of the fact that in terms of the order dt. 1.2.2001, notices were issued very recently i.e., on 19th March, 2001 and possibly it has not been served upon the respondents.

In the circumstance, we direct that this time notices be issued for appearance of respondent no.2 in person in the Court so as to proceed against him under Contempt with framing of charge.

Put-up again on 19.04.2001 for hearing.

skj

(L.R.K.Prasad)/M(A)

S.Narayan/V.C.

13./ 19.4.2001.

Shri M.P. Dixit, the counsel for the applicant.

Shri P.K. Verma, the counsel for the respondents.

Shri U.N. Manjhi, the DRM, Sonepur is present in person, and has filed show cause reply. In the light of the submissions made by the counsel for the parties, the matter is adjourned to 20.5.2001 for hearing on contempt. The personal appearance of the respondents is dispensed with until further order.

Show-cause
filed on
19.4.01
PC. Toppo
30.4.01

(L.R.K. PRASAD)/M(A)

S. NARAYAN/V.C.

14/21.5.2001 Shri M.P.Dixit, counsel for applicant

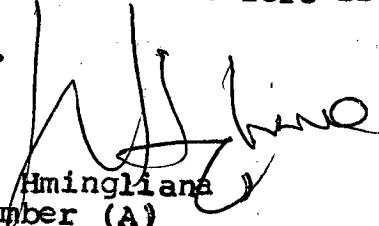
Shri P.K. Verma, counsel for respondents

Shri Dixit states that at the last date of hearing on 19.4.2001 assurance was given on behalf of the respondents in the presence of Shri U.N.Manjhi, DRM, Sonepur, that the order of this Tribunal dated 15.9.99 in OA-448/96 was going to be implemented within six weeks.

1995 Supp (4) Supreme Court Cases 465 in Modern Food Industries (India) Ltd. vs. Sachidanand Dass and Another decided by the Hon'ble Supreme Court on 21.9.92 directing that all further proceedings in the contempt ^{in that matter} proceedings be stayed and that it would be appropriate for the High Court to take up and dispose of the application for stay without reference to the developments in the interregnum. The learned counsel states that the prayer for stay of the operation of the order of the Tribunal in the writ petition filed by the Respondents in the High Court is pending disposal.

As requested by Shri Dixit list the CCPA before DB of the Court No.I on 25.5.2001 for hearing.

SKS

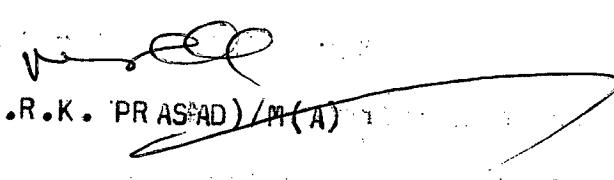


(L. Hmingliana
Member (A)

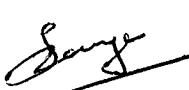
15./ 25.5.2001. Shri M.P. Dixit, counsel for applicant.
Shri P.K. Verma, counsel for respondents.
On the basis of oral submissions made by the counsel for the parties, we get an impression that the order dated 15.9.99 passed in OA 548/96 by this Tribunal is likely to be complied with within a short span of time. That being the position, we defer the hearing, awaiting compliance of the order within three months from the date hereof. The time schedule as such should be strictly adhered to. List it on 23.8.2001 for hearing.

2. Let a plain copy of the order be given to the learned counsel for the parties.

/CBS/



(L.R.K. PRASAD)/M(A)



(S. NARAYAN)/V.C.

16/23.8.2001

Shri M.P.Dixit, counsel for the applicant.
Shri P.K.Verma, counsel for the respondents.

On the request made by Shri Verma, list it for hearing on 3.10.2001 as a last chance.

MHS.

ASL
(L.Jha)/M(J)

17/3.10.2001

Shri M.P. Dixit, learned counsel for applicant

Shri P.K.Verma, learned counsel for respondents

Shri Verma states that the writ petition against the order of this Tribunal dated 15.9.99 passed in OA 548/96 is pending before the Hon'ble High Court and, therefore, he prays for time for seeking instructions in the matter. The learned counsel for the applicant ~~referred to~~ refers to order dated 25.5.01. From the order dated 25.5.01, it appears that the Respondents-authorities ~~gave an~~ ^{in order} were in impression to comply with the order of this Tribunal dated 15.9.99 and accordingly, they were given three months' time ~~that is warranting to~~ ^{of} adhered to ~~to~~ the Respondents for complying with the order.

2. In view of the aforesaid order, the learned counsel for the respondents is directed to bring the stay order passed by the Hon'ble High Court by the next date, failing which, to comply with the order as assured. List it on 28.11.01 for hearing the CCPA.

Let a copy of this order be supplied to the respondents' counsel.

SKS

(M.P.Singh)/M(A)

(Lakshman Jha)/M(J)

LJh.

18./ 28.11.2001. Both sides are present. Show cause has already been filed. List it on 18.1.2002 for hearing.

/CBS/

(L. HMINGLIANA)/M(A)

Jha
(L. JHA)/M(J)

19/18.1.2002

For want of time, list it for hearing on 20.2.2002.

MES.

ECG
(L.R.K. Prasad)/M(A)

Q
(B.N. Singh Neelam)/V.C.

20
20.2.02

CM On the request made by the counsel for the applicant, list it on 19.3.2002 for hearing.

Shyama Degra
(Shyama Degra)
M(J)

ECG
(L.R.K. Prasad)
M(A)

21/19.3.2002

DB not available as Mrs. Shyama Degra, Member (J) is going to Ranchi to attend Circuit Bench by noon flight. List it for hearing on 18.4.2002.

MES.

ECG
(L.R.K. Prasad)/M(A)

CCPA 90/2000

22./ 18.4.2002. Heard learned counsel for the parties. While Shri M.P. Dixit counsel for the applicant states that the order of this Tribunal passed in OA 548/96 on 15.9.99 has not yet been complied with, Shri P.K. Verma, the counsel for the alleged contemner has informed this Tribunal that necessary steps have been taken to comply with the order, and certain payments have also been made to the applicant in terms of the order of this Tribunal. However, no break-up has been given. To appreciate the case better, the respondents ~~now~~ shall give break up of the payments made item-wise along with interest calculated on them in terms of the order of this Tribunal for payment of 15 per cent interest on pensionary dues as admissible under the law. The calculation chart along with steps taken to implement the order be submitted by the respondents on the next date. List it on 26.6.2002 for hearing.

2. Let a plain copy of this order be made over to the learned counsel for the respondents.

/CBS/


(SHYAMA DOGRA)/M(J)


(L.R.K. PRASAD)/M(A)

23./ 26.6.2002. The learned counsel for the applicant is present. Shri P.K. Verma, the learned counsel for the alleged contemner is not present. He is directed to submit relevant informations in terms of the order dated 18.4.2002. Since the respondents' counsel is not present today, let this matter be listed on 7.8.2002 for hearing. The name of Shri G. Bose be deleted from the cause list as he is not the counsel in the instant case.

*Supp. Mem. for
show-cause
filed 8/1
18.7.02*

N. Bopno
6.8.02

/CBS/

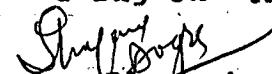

(L.R.K. PRASAD)/M(A)

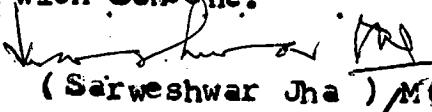

(B.N. SINGH NEE LAM)/V.C.

24/7.8.2002

Both sides are present. Let it be listed
for hearing on 14.8.2002 with consent.

MES.


(Shyama Degra) /M(J)


(Sarweshwar Jha) /M(A)

25/14.08.2002

Shri M.P. Dixit, counsel for the applicant.
Shri P.K. Verma, counsel for the respondents.

This CCPA has been filed by the applicant for alleged non-compliance of the orders of this Tribunal passed in OA- 548/96 on 15.09.1999. The relevant portion of the order is reproduced below:-

In view of the above circumstances, this O.A. is disposed of with the direction on the respondents to settle and pay the pensionary dues of the applicant as may be admission in accordance with law along with an interest of 15 per cent on the amount so due within a period of six months from the date of receipt of a copy of this order. The interest shall be payable from the due date of payment as per law. With the above direction, this OA is disposed of with no order as to costs."

2. Show cause/supplementary show cause reply have been filed on behalf of alleged contemner. While drawing our attention to para-4 of the supplementary show cause reply Shri P.K. Verma, learned counsel for the respondents stated that the due payment as admissible under law have already been paid to the applicant. The details are given in para-4 of the supplementary show cause reply. As such there has been full compliance of the orders of this Tribunal referred to above.

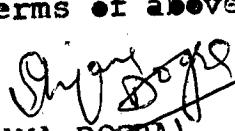
3. While admitting that the applicant has received certain payments which are mentioned in para-4 of the supplementary show cause reply, the learned counsel for the applicant Shri M.P. Dixit stated that the applicant has not yet received the family pension even though she ~~is receiving~~ PPO. The family pension is required to be paid to her through the Post Office and it is just possible that the matter is still pending with Director, Accounts, Postal at Patna. In view of the fact that she is an old lady, directions may be given to the respondents to ensure that actual family pension payment is made to the applicant within a shortest possible time. He also stated that the applicant is entitled for interest on the arrears of family pension which has been sanctioned to her from 1982. While agreeing that

expeditious action shall be taken for actual payment of the family pension to the applicant, Shri P.K. Verma, learned counsel for the respondents stated that in view of the peculiar circumstances of the case, she is not entitled for payment of interest on the arrears of family pension.

3. We have considered the entire matter in the light of submission made on behalf of the parties and perused the materials on record. We find that the order of this Tribunal passed in OA- 548/1996 have been substantially complied by the respondents. However, a dispute has been raised regarding payment of interest to the applicant on the arrears of family pension. We do not find that there was any deliberate attempt on the part of the respondents to violate the orders of the Tribunal.

4. In view of the above position, this CCPA is dropped and notices are discharged but with the direction upon the respondents concerned to ensure that actual payment of family pension is made to the applicant within shortest possible time preferably within a month. The applicant shall extend co-operation in this regard. At the same time, the applicant is given liberty to file a representation before the concerned authority with regard to her claim for interest on arrears on family pension alongwith supporting documents including the order of the Tribunal. This may be filed within a month. If so filed, the concerned respondents shall consider the same and pass necessary speaking order in accordance with law within a period of two months from the date of receipt of such representation. The CCPA stands disposed of ~~in~~ in terms of above directions.

SRK/


(SHYAMA DOGRA)
MEMBER (J)


(L.R.K. PRASAD)
MEMBER (A)