

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

C.P. NO.: 87/97 IN O.A. NO.: 100/96.

Dated this Monday, the 30th day of November, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

Dinkar Vishnu Narurkar,
B/6, Digambar Chhaya,
Plot No. 11, Happy Colony,
Poona - 29. ... Applicant.

V/s.

Union Of India & 4 Others. ... Respondents.

TRIBUNAL'S ORDER :

Heard Shri S. P. Saxena for the applicant
and Shri V. S. Masurkar for the respondents.

2. This is a contempt petition filed by the applicant alleging that the respondents have not fully complied with the order of the Tribunal dated 24.04.1997 in O.A. No. 100/96. The respondents have filed reply to the Contempt Petition saying that they have fully complied with the order of the Tribunal.

3. In the order of the Tribunal, four directions were given to the respondents. It is now admitted, as far as reliefs (b) and (c) in para 10 of the order is concerned, they are complied by the respondents. Now the dispute between the parties is only regarding the


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reliefs granted by the Tribunal in clauses (a) and (d) of para 10.

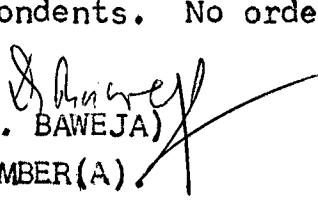
4. As far as relief granted by the Tribunal in clause (a) of para 10 is concerned, the question is whether interest is to be calculated on the payment of pension every month earned due to the applicant or on the arrears of pension as such. It is common knowledge that pension is earned every month, therefore, the applicant has earned pension every month from 01.07.1989 to 27.07.1990. Therefore, the respondents' calculation of interest month-wise on the basis of pension earned by the applicant every month, appears to be fully justified and in compliance with the order of the Tribunal in para 10(a) of the order.

5. As far as relief granted in para 10(b) is concerned, the applicant's grievance is that, for his repayment of 1/3rd value of pension which he received, the respondents should not calculate interest. But the Learned Counsel for the respondents submitted that when the respondents are paying interest to the applicant on the commuted value of pension as ordered in relief 10(c), then the respondents are entitled to calculate interest on the amount the applicant is refunding to the respondents.

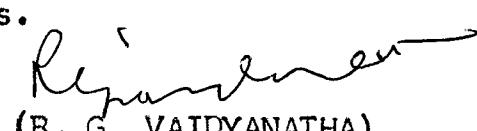
In our view, this question cannot be decided on the contempt side. The respondents by some calculation, have stated that they are adjusting the amount due by the applicant on account of 1/3rd value of the pension which he had received and which he is liable to refund under para 10(d) of the order. If they have calculated

interest erroneously, as argued by the Learned Counsel for the applicant, it is a matter which cannot be decided on the contempt side. Prima-facie para 10(c) and (d) will have to be read together. If the applicant is entitled to interest on the entire commuted value of pension, then logically, he will also have to pay interest for the amount already drawn by him and which he is liable to refund. Anyhow, we do not want to express any ^{final} opinion on the rival contentions ^{at} ~~in this stage~~. Even if it is accepted for argument sake that respondents have not paid fully the amount or the interest is not calculated correctly, it is not a case of willful disobedience of the order of the Tribunal so as to call for action under the contempt jurisdiction. Hence, without expressing any opinion in the matter, we only say that no action is called for under the contempt jurisdiction. If the applicant is aggrieved by the action taken by the respondents, in calculating interest on the 1/3rd value of pension, which he is bound to repay to the respondents, then the applicant's remedy is elsewhere and certainly, not by way of invoking the jurisdiction under the law of contempt.

6. In the result, the contempt petition is rejected at the stage of admission, subject to above observations. This order will not come in the way of the applicant taking action according to law to claim any amount that may be due to him towards commuted value of pension or about the interest withheld by the respondents. No order as to costs.


(D.S. BAWEJA)

MEMBER(A)


(R. G. VAIDYANATHA)
VICE-CHAIRMAN.