

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P. NO.: 25/2001 IN O.A. NO.: 326/99

Dated this Friday, the 17th day of August, 2001.

CORAM : Hon'ble Shri Justice B. Dikshit, Vice-Chairman.

Hon'ble Shri B. N. Bahadur, Member (A).

Sunil Baban Habde,
R/at-Sawargaon P.O. Paud,
Tal. Mulshi, Dist. Pune.

... Applicant.

(By Advocate Shri J. M. Tanpure)

VERSUS

1. Union of India through
The Secretary -
Shri Yogendra Narayan,
Ministry of Defence,
South Block, New Delhi.

2. The Commandant -
Shri Kamaljeet Singh,
Ordnance Depot,
Talegaon Dabhade,
Tal. Maval, Dist. Pune.

... Contemnors.

(By Advocate Shri R. K. Shetty)

TRIBUNAL'S ORDER

We have heard the Counsel for the parties. The Learned Counsel for the Applicants argued that applicants are entitled for half the amount of pension, as one of the wife was entitled only for gratuity and not for half of family pension. We are not satisfied with the argument. We have gone through the judgement

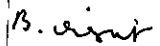
...2.

passed in O.A. and find that the applicants has claimed family pension from the date of death of their mother. From the O.A. it is apparent that when the O.A. was filed, the applicants did not claim anything more.

2. The Learned Counsel for respondents has pointed out that whatever was being paid to the mother of the applicants is now being paid as family pension to applicants in compliance with the order passed in O.A. The Learned Counsel for Applicants has also not disputed that mother was getting 1/3rd pension, which alone has been paid by respondents and not half the amount of pension, for which the applicants have filed this petition, in view of the fact that one of the deceased wife could not get 1/3rd amount of pension.

3. We are concerned in this case only with giving effect to the order passed in O.A. and, therefore, when mother of applicants was getting 1/3rd of family pension, to which the family of deceased was entitled, it appears sufficient compliance of the order passed in the O.A. and there is no wilful disobedience on the part of the Respondents by not giving half the pension, which is being asked for by the applicants. The contempt petition fails. Notice is dropped.


(B. N. BAHADUR)
MEMBER (A).


(B. DIKSHIT)
VICE-CHAIRMAN