

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 3 AUG 1992

CONTEMPT  
PETITION (CIVIL) ~~APPLICATION~~ NO (8) 65 /91  
W.P. NO (S) IN APPLICATION NO. 651/87

Applicant(s)

Shri P.A. Khader

To

Respondent (s)

V/s

Shri B.A. Chawan, Director, Central  
Board of Workers Education, Nagpur  
& anr

1. Shri P.A. Khader  
Regional Director (Retd)  
Central Board of Workers Education  
Kulkadi House  
Baikampadi  
Mangalore - 575 011

2. Shri D. Leelakrishnan  
Advocate  
No. 28, Raja Snow Buildings  
Seshadripuram  
Bangalore - 560 020

3. Shri B.A. Chawan  
Director  
Central Board of Workers Education  
1400 - West High Court Road  
Gokulpeth  
Nagpur - 440010

4. Shri V.P. Sawhney, IAS  
Secretary  
Ministry of Labour  
Shram Shakti Bhavan  
New Delhi - 110 001

5. Shri M. Vasudeva Rao  
Central Govt. Sing Counsel  
High Court Building  
Bangalore - 560 001

Subject : FORWARDING COPIES OF THE ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of the ORDER/~~STAMP~~  
~~INTERIM ORDER~~ passed by this Tribunal in the above said C.P.(Civil)  
~~application~~(s) on 27-7-92.

  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTYSEVENTH DAY OF JULY, 1992

Present: Hon'ble Shri Syed Fazlulla Razvi, Member(J)  
Hon'ble Shri S. Gurusankaran, Member(A)

C.P. NO. 65/1991 in O.A.  
No. 651/1987

Shri P.A. Khader  
Regional Director (Retd.)  
Central Board of Workers Education  
Kulkadi House  
Baikampady, Mangalore - 575 011 ... Petitioner  
(Shri D. Leelakrishnan, Advocate)

Vs.

1. Shri B.A. Chawan  
Director  
Central Board of Workers  
Education,  
1400 West High Court Board  
Gokulpet, Nagpur-440 010.
2. Shri Swahney, I.A.S. Secretary,  
Ministry of Labour  
Govt. of India  
New Delhi. ... Respondents  
(Shri M. Vasudeva Rao, Advocate)

This application having come up for  
Orders before the Tribunal today, Hon'ble Shri  
S. Gurusankaran, Member(A), made the following:

O R D E R

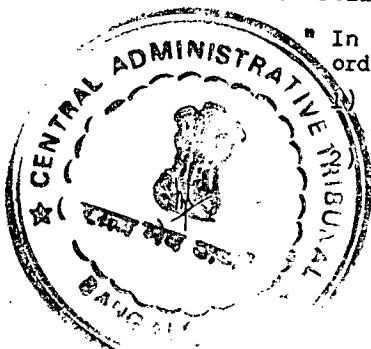
This Contempt Petition has been filed by  
the Petitioner, who was the applicant in O.A. 651/1987.  
O.A. 651/1987 came to be disposed of vide orders  
dated 1.2.1988 (Annexure-A) by a Bench of this  
Tribunal. The operative portion of the orders  
read as follows:-

" In the result, we issue the following  
orders:

The memorandum dated 13.10.1983  
is quashed.

The respondents will settle the  
terminal benefits due to the

....2/-



applicant in accordance with the rules as also the salary and allowance payable to him, if any, in respect of periods before his retirement, within a period of six months from the date of receipt of these orders. ■

2. The respondents had challenged the above orders of this Tribunal before the Supreme Court in SLP (Civil) No.16158/1988 and the same was dismissed by the Supreme Court vide order dated 24.7.1989 with the following orders:-

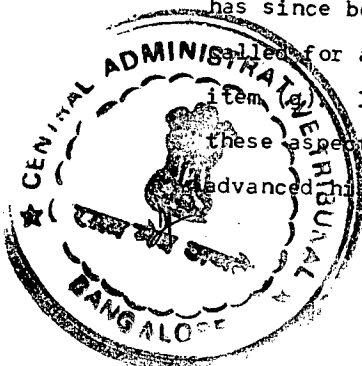
"Even though we do not agree with the interpretation of Rule 9 of the Central Civil Services (Pension) Rules, 1972, we do not consider it proper in the facts and circumstances of the case to interfere. The Petition is accordingly dismissed. ■

3. In the meanwhile, the applicant in O.A.651/1987 had filed C.P. 13/1989, which was dropped on 7.9.1989 granting further time till 31.12.1989 for complying with the orders dated 1.2.1988 of this Tribunal. . The Petitioner has alleged in the contempt petition that the respondents have not settled all his claims like (a) pay and allowances for the leave period from 14.4.1985 to 26.10.1986 (b) recovery of house rent and electricity charges of Rs 5599.34 (c) not sanctioning 2 more stagnation increments (d) interest on commutation amount (e) interest on delayed payment of earned leave encashment (f) Bonus for the year 1985-86 (g) non-payment of retirement T.A. Bill and (h) Home Town LTC bill. The Petitioner has stated that even though he wrote a letter dated 4.1.1990 (Annexure-C) to the respondent pointing out the arrears due to him, the first respondent vide his letter dated 12.2.1990 has rejected the claims of the Petitioner. Aggrieved by the same, he has filed this Contempt Petition alleging that the respondents have committed the mischief of contempt in not complying with the orders of this Tribunal.

4. On the filing of the application, during the preliminary hearing, an objection was raised by the counsel for the respondents that since the order had been passed on 1.2.1988, the contempt Petition was time barred. Notice was issued to the respondents and they have filed their reply stating that they have not committed any contempt and they have complied with the orders of the Tribunal.

5. The respondents have taken a preliminary objection that since contempt petition C.P.13/1989 was dropped on 7.9.1989 granting extension of time till 31.12.1989, the present petition should have been filed before 31-12-1990 and since it is filed only on 6.11.1991, it is barred by limitation. We agree with the contention of the respondents and this contempt petition is liable to be rejected on the grounds of limitation alone. However, since this is the second contempt petition being filed in this case by the petitioner, we are of the opinion that we should examine the basis for his grievances.

6. We have heard the counsel for both the parties and carefully perused the records produced before us. During the arguments, the counsel for the applicant fairly conceded that certain items like (a), (b), (c), (f), (g) and (h) mentioned in para 3 above have not been raised and decided in O.A. 651/1987 and if the respondents do not settle the same in accordance with law inspite of his representation he should have approached this Tribunal through fresh applications. He also admitted that item (c) has since been settled and the respondents have also called for additional information/certificates regarding item (g). In view of this, we do not propose to go into these aspects. So, the only items on which the counsel advanced his arguments were interest on commutation amount



and encashment of earned leave.

7. After hearing the submission of the counsel for both the parties, we find no merit in this Petition. Even though the application was filed in 1987 and it came to be disposed of vide orders dated 1.2.1988 quashing memorandum dated 13.10.1983, there were no specific directions to pay any interest on delayed payments, even if the respondents failed to settle the terminal benefits within a period of 6 months from the date of receipt of orders. Further, even when the earlier Contempt Petition C.P.13/1989 was disposed of extending the time for settlement upto 31.12.1989, there were no directions to pay any interest. The counsel for the applicant could not also produce before us any rule or instructions regarding payment of interest on delayed payment of commutation amount. The counsel also argued that the Petitioner should atleast be paid full pension till the date of payment of commutation amount.

We find no merit in this contention also, since commutation amount has been paid on the basis of his superannuation with effect from 31.12.1986. Further, the respondents have replied that all the dues of pensionary benefits have been paid vide letters dated 14.12.1989, 19.12.1989 and 27.12.1989 and the receipt of these amounts has been admitted by the applicant.

8. In view of the above, we find that the respondents have not committed any mischief of contempt of wilfully disobeying the orders of this Tribunal and they have complied with the orders before the expiry of the extension of time granted. Hence, this contempt petition is rejected and the respondents, alleged contemners, are discharged.

Sd-  
(S. GURUSANKARAN)  
MEMBER (A)

Sd-  
(SYED FAZLULLA RAZVI)  
MEMBER (J)

TRUE COPY

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