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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Contempt Petition No.56/91
in Tr.2/86
and

Original Appln. No.623/91

P.K.Sharma .. Applicant

vs.

Union of India & Ors. .. Respondents

Coram: Hon'ble Shri Justice S.K. Dhaon,
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar,
Member(A)



Appearances:

1. Mr.G.S.Walia
Advocate for the
Applicant.

2. Mr.N.K.Srinivasan
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 14-8-1992
(Per S.K.Dhaon,Vice-Chairman)

AS common question is involved in
these two petitions they are being heard
together and are being disposed of by a common
order.

2. On 4th June,1984 the applicant was
removed from service. On 6th November,1987 a
Full Bench of this Tribunal accepted the Tr.
Application No.2/86 preferred by the applicant
and held that the order dt. 4-6-1984 ^{was} bad
as the punishing authority has not furnished
the applicant with a copy of the report of
the Inquiry Officer. ^{In} paragraph 30 of 
its order the Tribunal left it free to the
punishing authority to resume the disciplinary
proceedings from the stage of handing over a
copy of the Inquiry Officer's report. It also
directed that the time spent during the
proceedings would be the subject matter of 
final decision in the proceedings. We may note

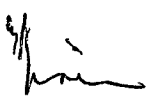
that on 31st March, 1988 the applicant retired from service. In the contempt petition the grievance is that since the respondents did not pay to the applicant the arrears of salary between 4th June, 1984 and 6th November, 1987 they were in contempt of the order passed by this Full Bench of this Tribunal. The other grievance is that the applicant had not been paid the provisional pension from 1st April, 1988.

3. During the pendency of this contempt petition, O.A. 623/91 was filed. In this application, reliefs identical to those claimed in the contempt petition had been prayed for.

4. We have considered the paragraph 30 of the order of the Full Bench. The order means that whatever payment is made to the applicant shall be subject to the final decision of the disciplinary proceedings. In other words, if and when an order punishing the applicant is passed he would be liable to refund the payment received by him. We are informed that before the applicant retired from service disciplinary proceedings were re-initiated and they are going on. Therefore, the respondents were under the obligation to pay to the applicant the arrears of salary between 4th June '84 and 6th November, 1987. They have not made any payment so far. They shall do so now within a period of one month from today. We make it clear that, if an order of punishment is

again passed against the applicant in accordance with law, the respondent would be entitled to recover from the applicant the amount paid towards arrears and likewise the applicant shall be under liability to refund the amount.

5. In the reply filed in O.A.623/91 it is stated that arrangements have been made for the payment of provisional pension to the applicant. Counsel for the applicant states that so far the applicant has not received the payment. The respondents shall ensure that the payment towards provisional pension is made within two months from today. We are informed that immediately ^{after} with effect from 5th June '84 the applicant ^{was and} is being paid the compassionate grant. Whatever amount has been received by the applicant as compassionate grant would be deductible from the provisional pension payable to him or from the salary.
- ✓ With this direction C.P.56/91 in Tr.2/86 and Original Application No.623/91 are disposed of.


(M.Y. PRIOLKAR)
Member(A)


(S.K. DHAON)
Vice-Chairman

MD