

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

OPEN COURT / PRE DELIVERY JUDGMENT IN OA 1029/93

C.P.53/98

Hon'ble Vice-Chairman / Member (J) / Member (A)
may kindly see the above Judgment for
approval / signature.

Parma
V.C. / Member (J) / Member (A) (K/S)

Hon'ble Vice-Chairman

Hon'ble Member (J)

Hon'ble Member (A) (K/S)

agree

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5/11/2003

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

Contempt Petition No.53/98 in
Original Application No.1029/93

the 7th day of JANUARY 2000

CORAM: Hon'ble Shri D.S.Baweja, Member(A).

Hon'ble Shri S.L.Jain, Member (J)

P.N.S. Pillai

... Applicant

By Advocate Shri P.A.Prabhakaran.

V/s

Union of India and others.

By Advocate Shri R.K.Shetty.

O R D E R

(Per Shri S.L.Jain, Member (J))

This is an application under Rule 4 of the Central Administrative Tribunal (Contempt of Courts) Rules 1986 for an appropriate action in terms of the security of the Administrative Tribunals Act 1985.

2. OA 1029/93 was decided by an order dated 20.1.1998 and the following order was passed:

"In view of our order that the applicant is deemed to have retired from 10.5.90, the department shall release the provisional pension order and other retiral benefits as per Rules within a period of four months from the date of this order, without prejudice to the order to be passed in the disciplinary enquiry case."

SC-901

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3. The respondents approached the Tribunal just before the expiry of six months period granted by 10.6.1998 with M.P.No. 325/98 seeking extension of the time for implementation of the judgement by 8 weeks from 10.6.1998 which was allowed. The respondents did not implement the order even within the extended time of two months ending on 10.8.1998. As such the respondents did commit the act of contempt by non implementation of the order.

4. The applicant claims implementation of the order in respect of the following items:

1. G.P.F. balance.
2. Regularisation of leave
3. Arrears of pay and allowances
4. Final LTC due to Home Town Travel.
5. Pension/Gratuity claim.
6. Commutation of pension.

5. By the written statement filed on 26.3.1999 it is stated that in the form for commutation the applicant has written N.A indicating that he does not intend to commute pension. Accordingly commutation was not awarded. By a further written statement dated 17.12.1999 it is averred that the applicant is not entitled to any commutation.

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6. As full pension is only Rs. 680/- as sanctioned by the Pension Sanctioning authority - Chief CDA(P) Pension Allahabad vide pension payment order (PPO) No. C/ENG/10262/98 dated 14.9.98, hence commutation of pension (capitalised value of pension) is shown nil.

7. By a written statement dated 26.3.1999 it is stated that applicant is not entitled to encashment of leave salary as there is no Earned Leave or half pay leave at his credit.

8. Towards payment of the accumulations in the savings fund D.D. for Rs. 350/- has been sent to the applicant on 23.7.1998.

9. By a written statement dated 17.12.1999 the respondents submitted that Banker's cheque (Demand Draft) bearing No.300654 dated 10.11.1998 for Rs. 14,536/- issued by State Bank of India, Naval Base Branch Vishakhapatnam (AP) 530014 towards balance at credit of GPF is sent to the applicant on 10.11.1998 by speed post.

10. The period of absence from 18.8.1987 to 10.5.1990 is treated as Extra ordinary leave without pay and allowances and without medical certificate.

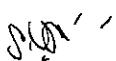
11. It was alleged that the T.A. on retirement is not retiral benefit. We are not inclined to agree with the said proposition for the reason that on account of retirement this benefit arises and as stated the matter is again pending with the applicant.

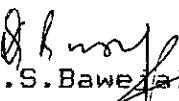
12. LTC claim was initially processed by the audit for passing and payment authorisation but was returned by the audit with observation raised and the same was returned to the applicant vide letter dated 11.9.1998 which was returned by the applicant without complying the same. The same was returned to the applicant again for compliance on 30.10.1998 and a further reminder on 16.11.1998. The same shall be reproduced after receipt of the same.

13. Pension payment order No.C/ENG/10262/98 dated 14.9.1998 releasing the pension/Gratuity issued by the CCDA(P) Allahabad is sent to his Bankers at Pune as requested by him in the pension documents.

14. On going through the above averment of the respondents, we are of the considered opinion that only LTC - due to Home Town Travel is to be paid which could not be done as the matter is pending with the applicant for compliance.

15. The applicant has raised objection regarding calculation of the pension. The applicant is free to get the matter decided by CDA (Pension) Allahabad by filing a representation and if he has any further grievance, he may seek the remedy in accordance with law. Though there is delay it is not willful hence no contempt is made out. C.P. is dismissed and notices issued to the respondents stands discharged.


(S.L.Jain)
Member (J)


(D.S.Bawali)
Member (A)