

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Contempt Petition No.123/2001  
in  
Original Application No.1291/94.

Dated this Tuesday the 30th Day of April, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman.  
Hon'ble Smt. Shanta Shastry, Member (Administrative).

R.Shivathanu,  
Adm. Officer, Gr.I(Rtd.),  
R/at - S.No.55/4 "Suraasi",  
Bhairav Nagar, Pune-411 015. .... Applicant.

( By Advocate Shri S.P. Saxena )

Versus

1. Mr.Yogendra Narayan,  
Secretary, Ministry  
of Defence, South  
Block, DHQ, Post Off.  
New Delhi - 110 011.
2. Maj.Gen.N.P. Aual,  
Chief Engineer,  
Southern Command,  
Pune - 411 001. .... Contemner-  
Respondents

( By Advocate Shri R.R. Shetty holding  
brief of Shri R.K. Shetty ).

Order on Contempt Petition (Oral)  
{ Per : Smt. Shanta Shastry, Member (A) }

By Judgment and Order dated 7.1.2000, the  
respondents were directed to pay arrears of pay and  
allowances to the applicant. As the arrears were not  
paid, the Contempt Petition No.123/2001 was filed by the  
applicant on 25.11.2001.

2. The respondents had earlier sought extension of

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time to comply with the judgment and also the respondents have filed petition in the High Court. Extension of time was granted upto 31.5.2001. Thereafter again the respondents had filed two MPs seeking further extension of time, those MPs were rejected. In the meantime the High Court also dismissed the petition on 14.1.2002. Thereafter the respondents have made the payments to the applicant on 17.4.2002 by way of Demand Draft for an amount of Rs.53,823/-.. The respondents have filed an affidavit to that effect. The applicant agrees that the payment has been made.

3. The learned counsel for the applicant submits that the payment was delayed by the respondents and, therefore, cost may be awarded. We find that the delay is of 11 months after granting the extension of time. Even thereafter the respondents had sought the extension of time though it was not granted, also the matter was pending in the High Court. We do not consider it necessary to award any cost in this case as the respondents action is not deliberate or intentional in delaying the payment.

4. In the facts and circumstances of the case, the arrears of pay having been paid and the orders of the

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Tribunal having been complied with the contempt proceedings are dropped, notice is discharged. The contempt petition is dismissed.

*Shanta* I-

( Smt. Shanta Shastry )  
Member (A)

*B. Dikshit*

( Birendra Dikshit )  
Vice Chairman.

H.

dtd: 30.4.2002  
order/Judgement despatched  
to Applicant/Respondent (s)  
on 31.5.2002

*RD  
5/6*