

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P. No. 52/97 in OA. NO. 142/97

19.2 this the day of September 1997

CORAM: Hon'ble Shri B.S.Hegde, Member (J)
Hon'ble Shri P.P.Srivastava, Member (A)

Amarnath Batabyal ... Applicant

V/S.

Union of India & Ors. ... Respondents
AND

Shri Dinesh K.Afzalpurkar,
Chief Secretary,
Government of Maharashtra,
Mantralaya, Mumbai - 400 032. ... Contemner

Tribunal's Order

Through this C.P. the applicant has brought out that the respondent administration is not paying the applicant pension regularly and have passed an order dated 26.3.1997 cancelling the previous pension order dated 15.11.1996. Since the status quo was ordered by the Tribunal in its order dated 11.2.1997, the respondent administration by passing the order dated 26.3.1997 has flouted the orders passed by the Tribunal. While disposing of the OA., we have ordered that the applicant should be paid the pension regularly without any deductions which has been contemplated by till the finalisation of disciplinary case the respondents in their letter dated 18.3.1997. The


Learned counsel for the respondents assures that the applicant is being paid the pension and there was no attempt to deprive the applicant of pension. The applicant is required to be paid the provisional pension in view of the fact that disciplinary proceedings

against the applicant have again been started in terms of the liberty granted by the Tribunal in their judgement dated 9.2.1996. Since the disciplinary proceedings are in process, the applicant be given the provisional pension and since the stay was granted only on proceedings further with the disciplinary enquiry, the orders dated 18.3.1997 were passed.

2. The learned counsel for the respondents has further assured that the applicant is being paid pensionary benefits regularly and there is no deliberate attempt on the part of the respondents to stop the payment of monthly pension. Since we have already directed that the applicant should be paid the pension which was being paid to him before initiating the proceedings vide the administration's letter dated 15.11.1996 which were again initiated vide administration's letter dated 15.11.1996, the administration should ensure that the applicant is regularly paid the pension which he was getting before 15.11.1996 till the finalisation of this case.

Certified True Copy
Date 3/10/1997

3. The revised pension order dated 18.3.1997 which is at Exhibit-'C' of C.P.No.52/97 is held in abeyance till the finalisation of the case. In view of the assurance of the learned counsel for the respondents that the applicant would be paid the pension regularly and there is no deliberate attempt on the part of the administration in flouting the orders of the Tribunal, we have decided not to pursue the contempt proceedings further in C.P.No.52/97 and the same is discharged.

B
Section Officer
Central Admin. Tribunal
B
SJC
B
T/10/97