

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
BOMBAY BENCH, MUMBAI.

1. Contempt Petition No.41/2002  
in  
Original Application No.854/98.

2. Contempt Petition No.42/2002  
in  
Original Application No.850/98.

, this the 27 day of November , 2003.

Hon'ble Shri Anand Kumar Bhatt, Member (A),  
Hon'ble Shri S.G.Deshmukh, Member (J).

1. Contempt Petition No.41/2002.

R.J.Shirsat,  
Block No.12, Room No.14,  
Sadguru Jangli Maharaj Society,  
Senapati Bapat Marg,  
Pune - 411 016.  
(By Advocate Shri J.M.Tanpure)

...Applicant.

2. Contempt Petition No.42/2002.

Smt. Chandbi S.M.Hussain,  
R/o. 113, Shivajinagar,  
Pune - 411 005.  
(By Advocate Shri J.M.Tanpure)

...Applicant.

v.

1. Union of India through  
The Secretary - Shri Yogendra Narayan,  
Ministry of Defence,  
South Block New Delhi - 110 001.
2. The Commandant - Shri Sandeep Bhalla,  
Central AFV Depot, Khadki,  
Pune - 411 003.  
(By Advocate Shri R.R.Shetty)

...Respondents.

Tribunal's Order :

{Anand Kumar Bhatt, Member (A)}

Two Contempt Petitions viz. C.P. No.41/2002 in O.A.  
No.854/98 and C.P. No.42/2002 in O.A. —No.850/98 have been filed  
by the applicants. As they are in relation to, a common order is  
passed in the said O.As. by this Tribunal on 16.12.1999, hence  
the two C.Ps. are taken up for common order.

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2. The operative portion of the order of the Tribunal dt. 16.12.1999 in the above two O.As. is as follows:

" In the result, both the applications are allowed as follows :

(1) In OA 850/98, the applicant is entitled to arrears of pension due to her husband S.M.Hussain from 12.6.1972 till 7.10.1994.

(2) The applicant in OA 850/98 Smt.Chandbi S.M.Hussain is entitled to Family Pension from 8.10.1994 till her life-time or till her death and/or marriage, whichever is earlier.

(3) While paying the arrears of pension and arrears of family pension the respondents can deduct or adjust the amount paid to applicant's husband under the CPF scheme as per rules.

(4) The applicant is entitled to interest on the arrears of pension and family pension from the date of filing of this OA viz. 8.10.1999 till the date of actual payment.

(5) In OA 854/98, the applicant R.J.Shirsat is entitled to arrears of pension from 12.6.1972 till to day.

(6) The applicant R.J.Shirsat is entitled to future pension under the 1972 orders from to day and onwards for his life-time.

(7) The applicant is entitled to interest on the arrears of pension at the rate of 6% p.a. from the date of filing of this OA viz. 854/98 till the date of actual payment.

(8) The respondents are directed to comply with these directions within a period of three months from the date of receipt of copy of this order.

(9) In the circumstances of the case, there will be no order as to costs in both the cases."

3. The facts brought about by the applicant are that the Tribunal in the order dt. 16.12.1999 had ordered for payment of pension within three months from the date of receipt of the order. Later, in M.P. 379/2000 the time was extended till 27.7.2000 for implementation of the order. However, the

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contemnors challenged the order of the Tribunal on 16.10.2000. Due to non-implementation of the order of the Tribunal, the applicants had filed C.P. No.4/2001 in O.A. No.850/1998 and C.P. No.3/2001 in O.A. No.850/1998. At that time, the contemnors issued the Pension Payment Order (for short, PPO) and the Tribunal being satisfied that the order of the Tribunal has been substantially complied with, discharged the alleged contemnors. However, later the contemnors obtained an ex-parte stay from the Hon'ble Bombay High Court in Writ Petition No.2745/2002 and 2746/2002. The High Court was kept in total darkness about the assurances given in the Tribunal that the order has been complied with. The contemnors also vide their letter dt. 19.6.2001 asked the Treasury Officer, Pune to stop the payment of Pension etc.

4. As per the applicant, the High Court dismissed the Writ Petitions by a common order on 8.3.2002. However, even after that the contemnors did not cancel<sup>the</sup> the earlier stoppage of payment order which was given to the Treasury Officer.

5. In the reply filed in the C.Ps., the contemnors have now stated that the P.P.Os have been issued to the Treasury Officer, Pune and the payment of pensionary benefits has been credited by Bank of Maharashtra to the Accounts of the Applicants.

6. In the Rejoinder, the applicants have claimed that the order of the Tribunal has not been implemented in its spirit and totality. The applicant is entitled to receive benefit from 1.4.1969 and not from 1972. The interest was given on the basic pension and not on the Dearness Relief. The P.P.Os. which is necessary for registration under C.G.H.S. <sup>has</sup> not been given.

7. In the oral submission, the Learned Counsel for the applicants has reiterated the pleadings in the original C.P. and the Rejoinder.

8. The Learned Counsel for the Respondents Shri R.R.Shetty has submitted in the Court detailed chart in respect of the two pensioners wherein the total calculations of the dues is certified by the Assistant Accounts Officer in the Office of C.D.A. (P), Allahabad. He has admitted that the interest has been paid on the basic pension amount, but he has stated that there is no specific order of the Tribunal that the interest is to cover the Dearness Relief also.

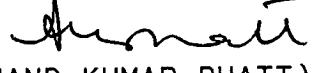
9. We have seen the records of the case and heard the Counsel on both sides. It is true that now the pension amounts have been paid and the orders of the Tribunal have now been substantially implemented. However, the story which comes out both in the order of the Tribunal dt. 16.12.1999 and as narrated by the applicants in the present C.Ps. is that the alleged contemners have been very reluctant to pay the said dues to the applicants who are senior citizens and have been fighting for their rights for a very long time. It also comes out that on the one hand, they <sup>(Respondents)</sup> informed the Tribunal in the two earlier C.Ps. that the P.P.Os. have been issued and that the Officer has been directed to release the payment, whereupon the Tribunal closed the C.P. proceedings. On the other hand, the contemners were all the time making efforts in the High Court of Judicature from where they initially obtained a stay. To say the least, the contemners have played hide and seek with the judicial process. It is hoped that this type of practice is not repeated in future.

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10. With these observations, the notice issued against the contemners are discharged in the two Contempt Petitions and the petitions are disposed of accordingly.

  
(S.G. DESHMUKH)  
MEMBER (J)

  
(ANAND KUMAR BHATT)  
MEMBER (A)

B.