

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD

CONTEMPT PETITION NO. 25 /95

in

O.A. NO. 714 of 1994

BETWEEN:

C.V. Srinivas Rao,
S/o. C.V. Narayana Rao,
62 years, Occ: Retired
Government Servant,
R/o. 16-7-422/A, Osmanpura,
Hyderabad-500 024.

... Petitioner.

A N D

1) ^{Sri} M.S. Sivaraman
Secretary, Ministry Finance
Department of Revenue,
North Block, New Delhi.

2) ^{Sri} T. D. Roy
Acting Chairman, Central Board of
Excise and Customs, North Block,
New Delhi.

3) ^{Sri} R.K. Chakraborti,
Collector, Central Excise, Hyderabad Collectorate,
Basheerbagh, Hyderabad.

... Respondent.

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PETITION FILED UNDER SECTION 17 OF CAT ACT 1985

For the reasons stated in the accompanying affidavit

it is prayed that the Hon'ble Tribunal may be pleased to

take cognizance of wilfull and ² criminal contempt committed ^w
not implementing the ² Tribunal orders dt 8.9.94 in OA 714/94
by the respondents under and punish them accordingly.

Date: 25-04-1995.


COUNSEL FOR THE PETITIONER:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT HYDERABAD

CONTEMPT PETITION No. 25 /95

O A NO 714 Q 965

Between:

C.V. Srinivas Rao,
S/o C.V. Narayana Rao,
62 years, Occ: Retired
Government Servant,
R/o 16-7-422/A, Osmanpura,
Hyderabad- 500 024.

And

- 1) The Secretary, Ministry Finance
Department of Revenue, New Delhi.
- 2) The Chairman, Central Board of
Excise and Customs, Delhi.
- 3) The Collector,
Central Excise,
Basheerbagh,
Hyderabad.



... Respondents.

PETITION FILED UNDER SECTION 17 OF CAT ACT

For the reasons stated in the accompanying affidavit
which it is prayed that the Hon'ble Tribunal may be pleased
to take cognizance of wilfull and criminal contempt com-
mitted by the respondents under and punish them accordingly.

Date: 25-4-1995

V. Srinivas Rao
Counsel for the Petitioner

*Rao
25.4.95
V. Srinivas Rao
Petitioner*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT HYDERABAD

Contempt Petition No. 25 /95

(4)

Between:

C.V. Srinivas Rao

.....Petitioner

And

1) Secretary

Ministry of Finance
Department of Revenue,
New Delhi and two others

.....Respondents

A F F I D A V I T

I, C.V. Srinivas Rao S/o C.V. Narayan Rao, aged 62 years, Occ: Rtd. Government Servant R/o 16-7-422/A Osmanpura, Hyderabad -500 024.

1. I am deponent here and applicant in O.A. 714/94 and as such well acquainted with facts of the deposed here under.

2. I respectfully submit that I filed O.A. 714/94 against the respondents herein. In the said O.A. I had questioned inordinate delay in completing the enquiry proceedings -----

II/10A/4-90 CIU dt. 9-8-1990. I sought relief that the Hon'ble Tribunal may direct the respondents to complete the enquiry forthwith and release the post retirement benefits which were not paid to me even after my retirement on 31-7-1992. I am filing a copy of O.A. 714/94 for ready reference. Keeping in view the facts of the case and view of pendency of proceedings over a long time the Hon'ble Tribunal was pleased to dispense off the O.A. on 8-9-1994 with the following orders:-

..... not going to be completed by 31-12-1994, the DCRG of the applicant has to

Contd..2..

25/95/1

C.V. Srinivas Rao

bepaid by 10-1-1995 failing which it carries interest @ 12% per annum from that date. The pension also has to be fixed by 10-1-1995 and on that basis the applicant has to be permitted to opt for commutation of pension and that amount also has to be paid by 1-3-1995 failing which it carries interest @ 12% per annum from that date. The difference between provisional pension and the pension to be fixed as per this order has also to be paid and the arrears carry interest from 1-3-1995 if they are not paid by them. This order in regard to the direction for payment of gratuity, fixation of pension, for permission to opt for commutation and payment of arrears will be subject to the adverse order, if any, to be passed in the disciplinary proceeding against the applicant with reference to the charge memo dated 9-8-1990.

The OA is ordered accordingly. No costs.

2(i) I respectfully submit that the orders of the Hon'ble Tribunal are explicit and ~~unambiguous~~ ~~unambiguous~~ the Hon'ble Tribunal specifically ordered the respondents to pay DCRG to me by 10-1-1995 and fix the pension by 10-1-95 and option the commuted pension amount should be paid by 1-3-1995, failing which it should carry 12% interest per annum.

2(ii) I respectfully submit that the respondents have ~~not completed~~ proceeding within the time fixed by the Hon'ble Tribunal. In the event of non completion of enquiry proceedings by 31-12-1994 the Hon'ble Tribunal directed the respondents to pay the DCRG and fix the pension and pay the opted commuted pension amounts. The last date fixed for payment of commuted pension amount was 1-3-1995.

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A. V. Patel *C. V. Srinivas Rao*

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2(iii) Pursuant this Hon'ble tribunals x orders the respondents had paid DCRG amounts to me on 7-2-95 but have not fixed the pension and have not commuted the pension. It is ~~permitted~~ to say that I had opted for commutation at the time of my retirement and the same was accepted by the respondents.

2(iv) I respectfully submit that the action of respondents ~~is not fixing my pension and pay the commuted pension~~ amounts is gross violation of the orders of this Hon'ble Tribunal and it constitutes contempt of the Hon'ble Tribunal. The action of the respondents is ~~not~~ and intentional. The same is clear from letter dated ~~.....~~ the under Secretary, Government of India to the 3rd respondents, which states that DCRG and provisional pension should be paid only in the amount of non extension time by the Hon'ble Tribunal.

2(v) I respectfully submit that the orders of the Hon'ble Tribunal are clear and unambiguous I respectfully submit that the respondents have ~~.....~~ M.A. 109/95 and M.A. 249/95, seeking extension of time to complete the enquiry proceedingsthe M.A. 109/96 of ~~.....~~ the time upto 28-2-95 from 31-12-1994. And M.A. 249/95 was dismissed. In the orders passed in M.A. 109/95 the Hon'ble tribunal did not accept ~~.....~~ and payment of commutation of the pension amounts. I respectfully submit that as the respondents have

~~lawyer~~ and commuted the same. I got issued a ~~lower~~ noticed dt. 28-3-1995. There is no response from respondents,. I respectfully submit that the action of the respondents ~~is~~ not obeying the orders of the Hon'ble Tribunal is willfull and intentional and constitutes

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R.S. Narwal

Before the Central Administration
Prisunary
at Hyderabad

Application for the
Central Government C. Net. No 895

For the following purpose
I am applying for the following purpose
CV Nallayan Rao — Retired
In view of the following purpose
I am applying for the following purpose

The Secretary and
2nd Lt. — Room
2nd Lt. — Room



Counter Application

Concurred for Retired

M/s
V. Srinivas
Ch. Shashi Bhushan
Advocate