

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
J A I P U R .

CP No.42/94
(OA 180/92)

Date of order: 12.12.1995

Devi Singh

: Petitioner

vs.

Shri S.B.Mathur and another

: Respondents

Mr.Jas Raj, counsel for the petitioner

Mr.Manish Bhandari, counsel for the respondents

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI RATTAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE))

In this contempt petition filed in OA No.180/92 the petitioner has stated that the respondents should be punished for not complying with the directions of the Tribunal in the order passed on 27.7.1993 whereby they were directed to pay interest on various amounts of pensionary benefits due to the applicant, payment of which was delayed.

2. We have heard the learned counsel for the parties and have gone through the records including the reply filed by the respondents.

3. The directions of the Tribunal were for payment of interest on Pension, Leave Encashment and DCRG. The respondents have maintained that they have paid interest as directed by the Tribunal on these amounts. The learned counsel for the petitioner has however stated that the direction of the Tribunal was also for payment of interest



on delayed payment of commuted value of the pension as is apparent from para 1 of the Tribunal's order wherein the nature of payment on which interest was due has been described as 'DCRG/Commutation value'. The learned counsel for the respondents however stated that the directions of the Tribunal were contained in the concluding paragraph wherein interest was ordered to be paid only on Pension, Leave Encashment and DCRG and not on any other amount and these directions have been complied with by the respondents. The learned counsel for the petitioner argued that the order of the Tribunal has to be read as a whole and it is not merely that the concluding directions have to be considered for seeing whether the order of the Tribunal has been complied with or not. He added that in case the direction regarding payment of interest on the commuted value of pension remained to be ^{concluding portion} added in the of the order, he may be permitted to move an application for review of the Tribunal's ^{for} order/seeking permission to have the direction regarding payment of interest on commuted value of pension to be included therein.

4. We are of the view that specific directions of the Tribunal were regarding payment of interest on pension, leave encashment and DCRG only and nothing else. If interest is payable only on these amounts then there is no dispute regarding the quantum of interest paid to the petitioner. From the mere mention in paragraph 1 of the nature of payments made

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to the applicant, it cannot be inferred that there was a direction from the Tribunal that interest should also be paid on the commuted value of the pension. At this late stage, there is no question of the applicant filing a review application seeking amendment of the order of the Tribunal passed in the CA.

5. Since order of the Tribunal has been complied with, this contempt has become infructuous and is therefore dismissed. The notices issued are discharged.



(RATTAN PRAKASH)
MEMBER (J)



(C.F. SHARMA)
MEMBER (A)