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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH: JAIPUR.

C.P.NO. 139/1994

Date of order: 13.8.1997

Ranjeet Singh S/o late Shri Chandra Singh, Assistant Superintendent, National Sample Survey Organisation (Field Operations Division), Office of Assistant Regional Director, Ajmer, P/o 2 Pha-1, Dhola Bhata, Housing Board Colony, Ajmer.

: Petitioner

Versus

1. Shri S.R. Satyam (I.A.S.), Secretary, Ministry of Planning, Department of Statistics, Sardar Patel Bhawan, Parliament Street, New Delhi.
2. Shri J.P. Sugan, Senior Pay & Accounts Officer, Government of India, Ministry of Planning, Department of Statistics, Sardar Patel Bhawan, New Delhi.
3. Shri Jagdish Singh, Director, National Sample Survey Organisation (Field Operations Division), C-Block, IIIrd Floor, Pushpa Bhawan, Madan Gir Road, New Delhi-62.
4. Shri A.K. Yogi, The Joint Director (Northern Zone), National Sample Survey Organisation (Field Operations Division) I-28, Puri House, Sukhash Marg, C-Scheme, Jaipur.
5. Shri D.K. Fathak, Regional Assistant Director, National Sample Survey Organisation (Field Operations Division) Rajasthan West Region, Department of Statistics, Ministry of Planning, Government of India, Sogani Building, Agra Gate, Ajmer Region, Ajmer (Rajasthan).

: Respondents

Mr. P.V.Calla, counsel for the petitioner
Mr. M. Rafiq, counsel for respondents

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI RATAN PRATAP, MEMBER (JUDICIAL)

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

In this contempt petition, the petitioner has prayed that the respondents should be called upon to explain as to why they should not be punished for contempt of the court for not complying with the directions of the Tribunal contained in the order dated 19.4.1994 passed in O.A. No.576/92 filed by the petitioner.

2. By its order dated 19.4.1994, the Tribunal had quashed the order by

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which the applicant's prayer for withdrawal of the notice of voluntary retirement was rejected and had directed that the applicant shall be treated as continuing in service from 22.8.1990 onwards and that he would be entitled to benefits consequential to his continuance in service. However, the applicant was not to claim seniority over any persons who had already been promoted when the applicant was out of service.

3. During the arguments, two points have been raised by the learned counsel for the petitioner. One is that respondents have charged interest on the amount of retiral benefits paid to the petitioner consequential to his premature retirement on the ground that he had not deposited back the amount when he was treated as continuing in service. The second point raised by him is that the petitioner has not been granted promotion subsequent to his being reinstated in service. The learned counsel for the respondents drew attention to the additional affidavit dated 21.2.1997 filed by the respondents before the Tribunal in which it has been pointed out that the first DPC held after the reinstatement of the petitioner in service was on 19.10.1994, but since the petitioner's name had not been included in the seniority list by that date, it could not be considered by the DPC for his promotion. However, a Review DPC was held on 21.10.1995 in respect of the DPC held earlier on 19.10.1994. The petitioner's name was considered by the said DPC but he was not found fit for promotion. As regards charges of interest @ 12% p.a. on the amount of retiral benefits retained by the petitioner, they have justified it by stating that this has been done in pursuance of the instructions issued by the Department and in view of the fact that this is the rate of interest applicable to CFF deposits. A copy of the Office Memorandum dated 25.8.1994 regarding charging of interest in the above circumstances has been annexed to the said additional affidavit.

4. We are of the view that in the circumstances of the case, no case of contempt is made out. Notices issued are discharged. However, the petitioner

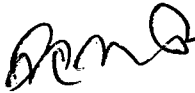
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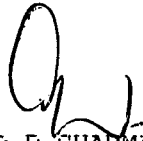
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shall be at liberty to challenge the action of the respondents in regard to both the matters by filing a fresh application, if he feels aggrieved by the action of the respondents.

5. The contempt petition is disposed of accordingly.



(RATAN PRAKASH)
MEMBER (J)



(O.P. SHARMA)
MEMBER (A)