

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF ORDER: 06.01.2005

Contempt Petition No. 3/2004
in
Original Application No. 307/2003

Dr, M.K. Srivastava son of Late Shri Pratap Narayan Srivastava, aged about 62 years, resident of 1B Anant Kuti, Kabir Marg, Bani Park Jaipur. Retired on superannuation from the post of Sr. Regional Director, Regional Officer for Health and Family Welfare, Jaipur on 31.12.2001.

....Applicant

VERSUS

1. Shri J.V.R. Prasad Rao, Secretary to the Government of India, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. Shri (Dr.) S.P. Agarwal, Director General of Health Services, Nirman Bhawan, New Delhi.

....Respondents.

None present for the applicant.
Mr. Hem Chand Bairwa, Proxy counsel for
Mr. Bhanwar Bagri, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)
Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant has filed this Contempt Petition for the alleged violation of the order dated 19.12.2003 passed in OA No. 307/2003 whereby this in operating part has given the following direction:-

"(i) The respondents are directed to treat the period of suspension from 27.11.2000 to 03.09,2001 as spent on duty for all purposes including pay and allowances.

(ii) The applicant shall be entitled for payment for all retiral dues, including final pension, DCRG, GPF etc. on the date of his retirement but the commutation of pension, if any, from the actual date of payment of commuted value. The respondents shall also pay interest on the amount delayed payment @ 8% p.a. from the date of retirement till the date of payment except on the pension for the period from July, 2002

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to Sept. 2003.

(iii) The amount of Rs.1,20,616/- withheld on account of overdrawn of salary shall be released within a period of one month from the date of receipt of this order.

(iv) For other dues listed at item No. 1 to 10 in para above, the applicant shall submit the details/explanation and complete the requisite formalities and submit a representation accordingly to respondent No. 2, within a period of one month from the date of receipt of this order, who shall decide the same by passing a speaking order within a period of two months thereafter. The applicant would be at liberty to file a fresh OA if he still aggrieved by such order, if so advised.

(v) The parties shall bear their own costs."

2. Notice of this application was given to the respondents. The respondents have filed detailed reply and thereby indicating that the order of this Tribunal has been fully complied with.

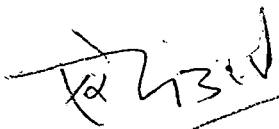
3. When the matter was listed on 24.11.2004, the learned counsel for the petitioner has shown his inability to appear in this case and he was permitted to withdraw his name from this case. Intimation in that regard was given to the petitioner to appear before this Tribunal either in person or to make alternative arrangement. None has put appearance on behalf of the petitioner.


4. In view of the stand taken by the respondents, we are of the view that the present Contempt Petition does not survives, which is accordingly disposed of. Notices issued to the respondents are hereby discharged.

(A.K. BHANDARI)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)

Later on, Mr. R.N. Mathur appeared on behalf of the petitioner and submits that his name has not been mentioned in the Cause List and now he is appearing on behalf of the Petitioner. Since we have already disposed of the matter, no further order is required to be passed in this case. In case the petitioner is still aggrieved, liberty is reserved to him to agitate the matter further in accordance with law.


(A.K. BHANDARI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)