

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,  
JAIPUR  
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Date of decision: 13-10-95

CP No.41/95 (OA No.502/93)

Bihari Lal Sharma

.. Petitioner

VERSUS

Union of India and Others

.. Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P.SHARMA, MEMBER(A)

For the Petitioner

.. Mr. N.K.Joshi

For the Respondents

.. Mr. M.Rafiq

ORDER

PER HON'BLE GOPAL KRISHNA, VICE CHAIRMAN

Petitioner, Bihari Lal Sharma, in this Contempt Petition under section 17 of the Administrative Tribunals Act, 1985, has alleged that by not complying with the directions of the Tribunal issued in OA No. 502/93 decided on 6-5-94, the respondents have committed contempt of court.

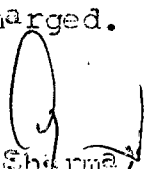
2. We have heard the learned counsel for the petitioner and the learned counsel for the respondents and have gone through the records of the case.

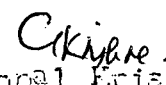
3. The relevant portion of the decision aforesaid is extracted below:

"the respondents are directed to consider the option which is said to have been given in 1971 as correct option and to decide the matter afresh within a period of three months whether the applicant is entitled for pension and other pensionary benefits and, if so, the P.P.O. should be issued and all pensionary benefits should be given to him. However, in that case, the respondents can put a condition that the amount paid to him under the P.F.scheme should be refunded. The amount can be adjusted also against the amount which becomes payable on account of pension."

4. The learned counsel for the respondents has produced the Pension Payment Order dated 21-9-95, whereby the pension of the petitioner has been fixed at Rs. 305/- from 1-7-77 to 31-3-79, Rs. 369/- from 1-4-79 to 31-10-85 and Rs. 966 from 1-1-86 onwards and the family pension has been fixed at Rs. 375/- with dearness relief thereon permissible under rules from time to time. The petitioner is, however, aggrieved by the decision of the respondents to deduct not only the amount of P.F. paid to the petitioner earlier on retirement but also interest thereon amounting to Rs. 1,27,201.31 from the arrears of pension and dearness relief thereon amounting to Rs. 2,36,806.90. If the petitioner is aggrieved by this action of the respondents, he is free to file a fresh OA regarding his grievance.

5. In the circumstances, no case of contempt is made out against the respondents. This contempt petition is, therefore dismissed. Notices issued are discharged.

  
(O.P. Sharma)  
Member (A)

  
(Gopal Prishna)  
Vice-Chairman