

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of order : 24.5.95

CP 82/95 in OA 615/93

Mrs. Angelina Massesy W/o John Massey
aged about 58 years resident of Saint
Mary's Convent Compound, Alwar Gate,
Ajmer and wife of John Massey, Ex.Postman,
Head Post Office, Ajmer-305001.

... Petitioner

Versus

1. Shri N.R. Bhattacharya, Postmaster General,
Rajasthan Eastern Region, Ajmer-305002.
2. Shri O.P. Gandhi, Deputy Director Accounts (Postal)
Tilak Nagar, Jaipur-302004.

... Respondents

CORAM

Hon'ble Mr. Gopal Krishna, Vice Chairman.
Hon'ble Mr. O.P. Sharma, Member (Administrative)

For the Petitioner ... Mr. K.L. Thawani
For the Respondents ...

O R D E R

(PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN)

Petitioner Mrs. Angelina Massesy has filed this Contempt
Petition u/s 17 of the Administrative Tribunals Act, 1985,
for non-compliance of the order passed by a Division Bench
of this Tribunal in OA no. 615/93 on 18.7.94.

2. We have heard the learned counsel for the petitioner
and have carefully gone through records.

3. The operative portion of the order of the Tribunal
reads as follows:-

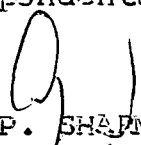
"Although the applicant would ordinarily be entitled
to family pension from 4.7.77, the law of limitation
restrains us from granting relief to the applicant
from that date. We leave it to the respondents to take
a decision about the date from which family pension
is to be granted to the applicant, having regard to
her family circumstances."

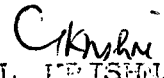
4. However, in the OA filed by the petitioner, a direction
was claimed to the respondents for granting family pension to

C.K.M. him w.e.f. 7.4.70. The contention of the learned counsel for

...2/-

the petitioner is that since no decision has been taken by the appropriate authority i.e. respondent no. 1, but a decision having been taken by respondent no. 2, who was also impleaded as respondent no. 4 in the OA, ^{of the respondents} this action/amounts to contempt of court as being without jurisdiction and contrary to the directions of the Tribunal. It is obvious from the operative portion of the order dated 18.7.94 that the respondents were to take a decision about the date from which the family pension ^{to be} had/granted to the petitioner having regard to her family circumstances. It was in terms of this direction that the respondent no. 2 took a decision to grant family pension to the petitioner w.e.f. 2.4.92. In the circumstances, we see no grounds to initiate ^{contempt} proceedings against the respondents. The Contempt Petition is dismissed in limine.


(O.P. SHARMA)
MEMBER(A)


(GOPAL KRISHNA)
VICE CHAIRMAN

AHQ.