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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.  
C.P.No.25/98 Date of order: 7-1-2000

Suresh Chandra Kulshreshtha, S/o Shri Kripa Shankar  
Kulshreshtha, R/o E-180, Katariya Colony, Ram Nagar  
Extension, Sodala, Jaipur.

...Petitioner.

Vs.

1. Shri U.V.Acharya, Financial & Chief Accounts Officer,  
Central Railway, Mumbai CST.
2. Shri S.P.Tiwari, The Workshop Accounts Officer, Central  
Railway Workshop, Jhansi (U.P).

...Respondents.

Mr.A.N.Gupta - Counsel for the petitioner.

Mr.S.S.Hasan - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

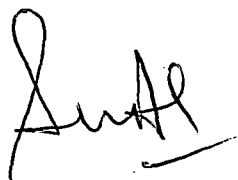
This is an application under Sec.17 of the Administrative Tribunals Act, 1985, arising out of an order passed in O.A No.225/98 dated 12.8.98.

2. This Tribunal vide order dated 12.8.98 in O.A No.225/98 issued directions as below:

The respondents shall issue an order regarding payment of pension as has been decided by them to be paid to the applicant vide their order dated 5.8.98, reproduced above. They are also directed that they shall also pay to the applicant interest, if any admissible, for the delay in payment of pension as per rules. They shall issue an order to this effect in favour of the applicant within one month from today i.e. 12.8.1998. A copy of this order be supplied to the parties.

3. It is stated by the petitioner that the opposite parties did not comply with the order dated 12.8.98 passed by this Tribunal in O.A No.225/98 wilfully and deliberately, therefore the applicant makes a prayer for punishing the opposite parties for the wilful and deliberate disobedience of the orders passed in the O.A.

4. Reply to the showcause was filed by the opposite parties. It is stated in the reply that the order dated 12.8.98 has been implemented. It has been made very specific in the reply that before receipt of a copy of the Tribunal's order dated



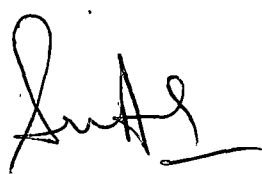
12.8.98, the respondents had already issued PPO No.CR/31418/201832 dated 6.8.98. It is also stated that after passing the order of this Tribunal dated 12.8.98 another PPO was also issued for revised pension on 28.5.99. The said revised PPO has been issued by the FA&CAO (Pen) Central Railways, Mumbai. Therefore, it is stated that the order of the Tribunal has been fully complied with and the respondents have not committed any contempt of the order of the Tribunal. As regards interest, it is stated that the respondents shall pay interest to the applicant, if any admissible, for the delay in payment of pension as per rules. But it has been categorically stated by the respondents that no interest was admissible to the applicant under the extant rules. It is also stated in the reply that the retired employee is required to submit application for revision of pension, etc. But the applicant simply submitted his application on a plain paper which was not sufficient. However, the respondents deputed their representative to the residence of the applicant to get the necessary papers/photos, etc and revised PPO was issued.

4. In view of the facts stated by the respondents in the reply, we are of the opinion that the respondents has rightly observed that the applicant was not entitled to interest as per the extant rules.

5. The learned counsel for the applicant, in support of his contention, has referred to State of Kerala & Ors Vs. M. Padmanabhan Nair, AIR 1985 SC 356 in which it has been held by Hon'ble the Supreme Court that "pension and gratuity are no longer any bounty to be distributed by the Govt to its employees on their retirement but are valuable rights and property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment. The liability to pay penal interest on these dues at the current market rate commences at the expiry of two months from the date of retirement". In this case it has been further held that if the delay in payment of pension/gratuity is on the part of the respondents, the applicant is entitled to interest.

6. The learned counsel for the applicant has also referred to Dr.Ratan Lal Mathur Vs. State & Ors WLC(Rajasthan) paged 264.

7. We gave our anxious consideration to both these




citations. In this case there appears to be no culpable negligence on the part of the respondents in issuing the PPO in favour of the applicant, as per the reply filed by the respondents. We are, therefore, also of the opinion that the applicant was not entitled to interest on account of delay in issuing the PPO, etc.

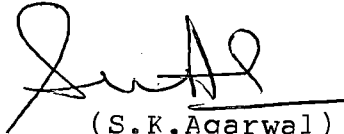
8. Disobedience of Court/Tribunal's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemnors to disobey the order of this Tribunal was intentional and deliberate. If this is not proved, then it can be said that applicant failed to establish the contempt against the alleged contemnors. Mere delay in compliance of the directions/order of the Tribunal does not constitute contempt unless it is wilful. In the same way the bonafide other interpretation of the order also does not amount to contempt.

9. In the instant case in view of the detailed reply filed by the opposite parties, the petitioner failed to establish any case of contempt against the opposite parties and the legal citations as referred to by the learned counsel for the applicant are not helpful to the applicant in any way.

10. We are, therefore, of the opinion that the applicant failed to establish any case of contempt against the opposite parties and no inference of wilful/deliberate disobedience can be drawn against the respondents.

11. We, therefore, dismiss this Contempt Petition and notices issued ~~dismiss this Contempt Petition and notices~~ issued against the opposite parties are hereby discharged.

  
(N.P. Nawani)  
Member (A).

  
(S.K. Agarwal)  
Member (J).