

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

CP 101/2002 in OA 159/98

DATE OF ORDER: 22.4.2003

L.N. Khushalani son of Shri Nathunmal aged about 67 years, resident of 4-CHA-4, Housing Board, Shabtri Nagar, Jaipur and Ex. DSK-I, Western Railway, Dahod.

.... Applicant.

VERSUS

Mr. K.K. Agarwal, General Manager (I), Western Railway, Churchgate, Mumbai.

.... Respondents .

Mr. K.L. Thawani, Counsel for the applicant.

Mr. B.L. Yadav, Counsel for the respondents.

CORAM:

Hon'ble Mr. H.O. Gupta, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

This Contempt Petition has been filed for the alleged wilful disobedience of the order of this Tribunal dated 22.8.2002 passed in OA No. 159/98.

2. Heard the learned counsel for the parties.

3. During the course of arguments, the learned counsel for the respondents submits that erroneously, the General Manager has recommended to the Hon'ble President of India 5% cut in pension and taking that letter into account, the said order came to be passed. He further submits that since the proceedings have been finalis ed and the Hon'ble President of India has not made any

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formal penalty, gratuity has been paid to the applicant which was withheld on account of the disciplinary proceedings pending.

4. The learned counsel for the applicants submits that although gratuity has been ordered to be paid but interest on the gratuity has not been paid to him since as per the rules, he is entitled for interest on gratuity as no formal penalty is imposed on the applicant.

5. The learned counsel for the respondents undertakes to pay interest on the delayed payment of gratuity, if permissible under the extant rules within the period of two months from today.

6. With these undertaking, this Contempt Petition is now not maintainable and, therefore, dismissed. Noticees are discharged.

7. MAs Nos. 16/2003 and 193/2003 are also dismissed.

(M.L. CHANDAN)
MEMBER (J)

(H.O. GUPTA)
MEMBER (A)