

**Central Administrative Tribunal
Principal Bench, New Delhi**

CP No.168 of 2015
IN
OA No.4147 of 2012

This the 5th day of November, 2015

**HON'BLE MR. V.AJAY KUMAR, MEMBER (J)
HON'BLE MR. SHEKHAR AGARWAL, MEMBER (A)**

1. Shri Birendra Singh (aged about 43 years)
S/o Sh. Nandan Singh Rawat
O/o Principal Controller of Communication Accounts
DOT Building, Prasad Nagar,
Karol Bagh, New Delhi-110005.
2. Sh. Suresh (aged about 44 years)
S/o Sh. Tale Ram,
O/o Principal Controller of Communication Accounts,
DOT Building, Prasad Nagar,
Karol Bagh, New Delhi-110005.

... Applicants

(By Advocate: Shri S.M. Zulfiqar Alam)

Versus

Dr. Hasmukh Adhia
Secretary, Ministry of Finance,
Department of Economic Affairs (Banking Division)
Government of India,
Jeevan Deep Building, 3rd Floor, Sansad Marg,
New Delhi-110001.

... Respondent

(By Advocate : Shri R.N. Singh)

ORDER (ORAL)

MR. V. AJAY KUMAR, MEMBER (J) :

When this Contempt Petition was taken up for consideration, learned counsel for the applicants, submits that after the C.P. is filed, the Orders of this Tribunal have been complied with except payment of the gratuity amount by the Department of Telecom.

2. Learned counsel for the sole respondent, i.e., Secretary, Ministry of Finance, submitted that they have fully complied with to the extent they were required to comply. He drew the

attention of this Court to the averments made in paras 9 to 11 in the additional affidavit filed on 28.9.2014 which read as follows:-

“9. As regards the amount of GPF with interest in respect of Shri Birendra Singh and Sh. Suresh, needful has already been done by Office of the Custodian, Ministry of Finance, New Delhi vide letter No506/CUS/ADMN/OA 4147 of 2012/B.S./2014(5964) dated 15th September, 2015 (ANNEXURE R-13).

10. As regards leave account of Shri Birendra Singh and Sh. Suresh in the office of Custodian, the leave has been calculated and sent to Department of Telecommunications accounts vide letter No.512/CUS/ADMN/OA 4147 of 2012/B.S./2014 (5964) dated 16th September, 2015 (ANNEXURE R-14).

11. That it is submitted that full compliance of the order/judgment dated 28.05.2014 in the aforesaid OA and order dated 17.11.2014 in MA No.2753/2014 in the aforesaid OA has been done by the respective authorities as stated above except the issue of transfer of amount from NPS to GPF account with interest, which is to be done by the present Department of the applicants namely Department of Telecommunications, with whom the matter is being pursued.”

3. Accordingly, learned counsel submitted that since they have fully complied with the Orders of this Tribunal, notice issued to the respondent may be discharged and Contempt Petition against the respondent may be closed.

4. It is not in dispute that Secretary, Ministry of Finance is the sole respondent in the present Contempt Petition and the said respondent had already complied with his part of the Orders of this Tribunal. In the circumstances, CP is closed. Notice issued to the respondent is discharged. However, this Order shall not preclude the applicants from making an appropriate representation to the Department of Telecom seeking crediting of the gratuity amount to their Bank A/c, at the earliest. No costs.

(SHEKHAR AGARWAL)
MEMBER (A)

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(V. AJAY KUMAR)
MEMBER (J)