

Central Administrative Tribunal
Principal Bench
New Delhi

R.A.No.238/2017
in
C.P.No.52/2017
in
O.A.No.285/2008

New Delhi, this the 15th day of November, 2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Mrs. Nita Chowdhury, Member (A)

U.C. Sharma,
R/o 21-C OCS Apartment,
Plot-19 Chilla Road,
Mayur Vihar Ph-1, Extn.
Delhi-110091.

... Petitioner

VERSUS

Union of India through:

1. Sh. G. Mohan Kumar,
Secretary Ministry of Defence,
Union of India, New Delhi.
2. Shri Senthal Kumar,
Garrison Engineer (East),
MES Shahjanpur Road,
Bareilly Cantt (U.P.).
... Contemnors

O R D E R (By Circulation)

By V. Ajay Kumar, Member (J):

The Contempt Petition No.52/2017 in OA No.285/2008 was disposed of by Order dated 15.09.2017 as under:

Heard both sides.

2. The OA No.285/2008 was disposed of by this Tribunal's order dated 20.08.2008. Para-9 of the said order is reproduced below:-

"9. In the result, for the foregoing reasons, this OA succeeds to the extent that respondents are directed to release increments of applicant from 1978 till 1984 as per FR-29-A with 2 arrears thereof, within a period of two months from the date of receipt of a copy of this order. No costs."

3. The Writ Petition No.8392/2008 filed by the respondents before the Hon'ble High Court of Delhi was disposed of vide order dated 16.07.2013. Para-14 of the said order is reproduced below:-

14. Appropriate would have been, the Tribunal instead of deciding the Original Application No.285/2008 awaited the disposal of the writ petition pending before the High Court of Allahabad, Lucknow Bench. Since the writ petition has been disposed of vide order dated February 05, 2013, the appeal would have a bearing in so far as the directions of the Tribunal in the impugned order. The Tribunal having decided the Original Application and granted the relief as sought for by the respondent, which is connected with the issue pending in the appeal filed before the Additional District Judge, Court No.1, Lucknow. We feel appropriate orders would be to direct the petitioners herein to compute the benefits as granted in favour of the respondent, by the Tribunal in the impugned order and deposit the same in the Court of Additional District Judge, Court No.1, Lucknow within 3 months. Needless to say that the order passed by the learned Tribunal dated August 20, 2008 in Original Application No.285/2008 would be subject to the outcome of the Appeal No.205/1992 pending before the Additional District Judge, Court No.1, Lucknow.

4. The applicant filed the Contempt Case(C) No.348/2014 before the Hon'ble High Court of Delhi seeking compliance of the aforesaid order. However, the same was dismissed as withdrawn vide order dated 19.10.2016. Thereafter, the applicant filed the present Contempt Petition.

5. Respondents have filed a detailed compliance affidavit and at Annexure-I dated 08.09.2017 to the same it was clearly indicated that they have calculated the increment amounts as directed by this Tribunal and Hon'ble High Court and adding 3 certain other amounts, such as pay and allowances, deposited the same before the Additional District Judge, Lucknow and next date of hearing is 16.09.2017.

6. The petitioner has not disputed the fact of the said deposit of money, though submitted that the respondents deposited less

amount of money due to their wrong calculation. But he failed to state how the calculation of the respondents is incorrect and according to him, how much is still due to be deposited. In any event, in view of the orders of the Hon'ble High Court, as observed above, the applicant may agitate this fact, before the ADJ Court, Lucknow.

7. In these circumstances and in view of the substantial compliance of the aforesaid order of this Tribunal, the CP is closed. Notices are discharged. No costs. "

2. The instant RA has been filed by the applicant/petitioner to review the aforesaid Order dated 15.09.2017, passed in CP No.52/2017 in OA No.285/2008, stating that there is an error apparent on the face of the record inasmuch as this Tribunal by "overlooking the evidence produced in compliance report for non-compliance of order of this Tribunal and order of Hon'ble Delhi High Court to calculate annual increments in terms of order dtd 20.08.2008 in OA 2008 of this Tribunal."

3. We have perused the contents of the RA and also the orders passed by this Tribunal in OA and CP. This Tribunal, while disposing of the aforesaid CP, clearly observed, in Para 6 of the Order dated 15.09.2017, that the applicant failed to state how the calculation of the respondents is incorrect and according to him, how much is still due to be deposited, and in any event, in view of the orders of the Hon'ble High Court, as observed above, the applicant may agitate this fact, before the ADJ Court, Lucknow. We noticed that instead of availing the said remedy, he filed the instant RA, which is not maintainable.

4. In view of the above, we are of the view that review applicant is trying to reargue the CP. In the circumstances, we do not find any merit in the RA and accordingly, the same is dismissed. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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