

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**C.P. No. 98 of 2016 In
O.A 3206/2014
And
C.P. No. 100 of 2016 In
O.A 3212/2014**

New Delhi, this the 15th day of September, 2016

Hon'ble Mr. Justice M. S. Sullar, Member (J)
Hon'ble Dr. B. K. Sinha, Member (A)

(1) C.P. 98/2016

Dr. Shiv Lata Gupta,
Aged about 54 years,
W/o. Dr. Lokesh Chand Gupta,
R/o. A-2/132, GF, Janakpuri,
New Delhi-110 058.

...Petitioner

(By Advocate : Mr. R. K. Handoo)

(2) C.P. 100/2016

Dr. Yog Raj Handoo,
S/o. Late M. L. Handoo,
R/o. 87, Samaj Kalyan Co-operative Society,
Bodella, Vikaspuri,
New Delhi.

...Petitioner

(By Advocate : Mr. R. K. Handoo)

Versus

1. Sh. Bhanu Pratap
Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi – 110 011.

2. Sh. Amar Nath working as
Secretary/Pr. Secretary,
Ministry of Health & Family Welfare,
Government of NCT of Delhi,
9th Floor, A Wing, Delhi Secretariat,
I. P. Estate, New Delhi-110 001.

3. Savita Babber
Medical Superintendent,
Deen Dayal Hospital,
Hari Nagar, New Delhi.

...Respondents

(By Advocate: Mr. D. S. Mahendru for R-1 and Mr. N. K. Singh for Ms. Avnish Ahlawat)

O R D E R (O R A L)

Justice M. S. Sullar, Member (J).

As the identical questions of law and facts are involved, so we propose to dispose of the indicated Contempt Petitions (C.Ps) by this common decision, in order to avoid the repetition of facts.

2. The contour of the facts and material, exposted from the record, is that, the Original Application (O.A.) bearing No. 3206/2014, preferred by the petitioner Dr. Shiv Lata Gupta and O.A. No. 3212/2014 filed by Dr. Yograj Handoo, were allowed and respondents were directed to make the payment of consequential retiral dues to them as per rules, within a period of three months from the date of receipt of a copy of the order. For any delay beyond three months, the respondents were directed to make the payment of interest on the admissible unpaid amounts, at the rate as paid in the matter of GPF, vide order dated 04.08.2015 by this Tribunal. Similarly, the indicated order of the Tribunal was upheld by Hon'ble High Court of Delhi by virtue of judgment dated 21.07.2016 in Writ Petitions (Civil) No. 5235-5236 of 2016.

3. The respondents did not comply with the directions of this Tribunal, which necessitated the petitioners to file the instant C.Ps, for initiation of contempt proceedings against the erring respondents under Section 2 (b) of Section 12 of Contempt of Courts Act, 1971 read with Section 17 of the Administrative Tribunals Act, 1985.

4. In the wake of notice, the respondents appeared, but failed to comply the order of this Tribunal. The following order was passed on 02.08.2016 by the Coordinate Bench of this Tribunal.

"It is submitted that the Writ Petition filed by the respondents against the orders of this Tribunal, the Hon'ble High Court,

while dismissing the said Writ Petition on 21.07.2016, granted six weeks' time to comply with the orders of this Tribunal to the respondents to file affidavit as to the undertaking given by them before the Hon'ble High Court failing which respondent nos. 2 and 3 shall be present in person on the next date of hearing.

By DASTI".

5. Sequelly, the C.Ps were ordered to be listed on 06.09.2016 for reporting full compliance, failing which, the respondents No. 2 & 3 were directed to be present in person before the Tribunal, vide orders dated 29.08.2016 on 06.09.2016. On that date, the learned counsel for the respondents, on instructions from department stated that respondents will make the payment of entire amount to the petitioners before 15.09.2016.

6. Today, learned counsel for respondents no. 2 & 3 has placed on record the copy of order No. F.1 (1051)/88/Estt./DDUH 18263-65 dated 09.09.2016, whereby, they have released the amount of retirement gratuity and final payment of GPF etc. to the petitioners.

7. Meaning thereby, the respondents have substantially complied with the directions of this Tribunal.

8. Ex facie, the arguments of the learned counsel that the order dated 09.09.2016 allegedly passed in compliance with the order of this Tribunal, by the respondents, lacks calculation and is illegal, so action is required to be taken against the respondents under the provisions of the Contempt of Courts Act, is not legally tenable.

9. As indicated hereinabove, once the respondents have substantially complied with the indicated directions of this Tribunal, by virtue of the said order, in that eventuality, no action is legally permissible against

them for wilful, deliberate disobedience of the above mentioned order, as urged on behalf of the petitioners.

10. Be that as it may, indeed in any case, the validity or otherwise of the said order cannot be decided in the instant CPs. In case the petitioners are aggrieved in any manner, they would be at liberty to challenge the validity of the order dated 09.09.2016 by filing an independent O.As, in accordance with law.

11. In the light of aforesaid reason, as there is no merit, so, the CPs are hereby dismissed as such.

12. The Rule of Contempt is discharged. No costs.

(Dr. B. K. Sinha)
Member (A)

(Justice M. S. Sullar)
Member (J)
15.09.2016

/Mbt/