

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

C.P.No.100/2017 in O.A. No.4023/2016

Wednesday, this the 31st day of May 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Dr. Gaurav Vinod Jain (Aged 46 years)
s/o Mr. Vinod Kumar Jain
r/o 51, Konark Apartments
22, I P Extension
Delhi – 110 092

..Applicant
(Ms. Jyoti, Advocate for Mr. Deepender Hooda, Advocate)

Versus

1. A K Rai
Medical Superintendent
VMMC & Safdarjung Hospital
New Delhi – 110 029
2. Gyan Thakran
Administrative Officer
VMMC & Safdarjung Hospital
New Delhi – 110 029
3. N N Mathur
Principal
VMMC & Safdarjung Hospital
New Delhi – 110 029

..Respondents
(Ms. Shvetima Dwivedi, Advocate)

O R D E R (ORAL)

Justice Permod Kohli:

Vide interim order dated 14.12.2016, a direction was issued by the Tribunal staying the recovery from the applicant. The respondents have filed the reply stating therein that the interim order of the Tribunal was received by them on 21.12.2016. It is

further stated that in view of receiving the order at the later stage, the recovery could not be stopped from the salary for the month of December 2016 but January 2017 onwards recovery has been stopped in terms of the interim order dated 14.12.2016 passed by the Tribunal. Salary for the month of December 2016 is disbursed in the month of early January 2017.

2. From the reply, it is not clarified as to whether any recovery was made from the salary for the month of December 2016 but definitely from January 2017 onwards, no recovery has been made. If any recovery is made from the salary for the month of December 2016, it is in violation of the interim order, as the Tribunal passed the said order on 14.12.2016 and served upon the respondents on 21.12.2016.
3. Be that as it may, since the respondents have not made any recovery from January 2017 onwards, they have substantially complied with the interim directions. However, in the event any recovery is made from the salary for the month of December 2016, the same shall be reimbursed to the applicant within four weeks.
4. With these directions, these contempt proceedings are dropped.

(K. N. Shrivastava)
Member (A)

May 31, 2017
/sunil/

(Justice Permod Kohli)
Chairman