

Central Administrative Tribunal  
Principal Bench  
New Delhi

M.A.No.1248/2014  
in  
O.A.No.2284/2011

Order Reserved on: 12.07.2016  
Order pronounced on 20.07.2016

Hon'ble Shri V. Ajay Kumar, Member (J)  
Hon'ble Shri V. N. Gaur, Member (A)

1. Union of India through  
Chief Statistician of India and Secretary  
Ministry of Statistics and Programme Implementation  
Sardar Patel Bhawan  
Sansad Marg  
New Delhi – 110 001.
2. Shri D.K.Sharma  
Under Secretary  
Ministry of Statistics and Programme Implementation  
Sardar Patel Bhawan  
Sansad Marg  
New Delhi – 110 001. .... Applicants  
(Respondents No.1 & 5 in OA)

(By Advocate: Shri R.N.Singh)

Versus

1. E.Nagachandran  
S/o Sh. P. Easwaran  
Deputy Director  
Ministry of Corporate Affairs  
Shastri Bhawan, New Delhi – 110 001.  
R/o C-305, Pragati Vihar Hostel  
New Delhi – 110 003. ... Respondent

(Applicant in O.A.)

2. The Deputy Secretary (Administration)  
and Head of Department  
Ministry of Corporate Affairs  
Shastri Bhawan  
New Delhi – 110 001.

3. Shri Manbar Singh  
Section Officer and Drawing and Disbursing Officer  
Ministry of Corporate Affairs  
Shastri Bhawan  
New Delhi – 110 001.

4. Shri Zile Singh, Cashier  
Ministry of Corporate Affairs  
Shastri Bhawan  
New Delhi – 110 001.

.. Proforma Respondents  
(Respondents No.2 to 4 in OA)

(By Advocate: Respondent No.1 in person and none for Respondents No.2 to 4).

### **ORDER**

**By V. Ajay Kumar, Member (J):**

OA No.2284/2011, filed by the applicant, seeking a direction to the respondents to pay pending salary of the applicant was disposed of by an order dated 23.09.2011 as under:

"3. During the course of arguments, it transpired that the primary reason for not releasing the salary of the applicant was that the previous employer of the applicant i.e. the Planning Commission had not issued the LPC, but the same has been issued by now.

4. Mr. Gangwani, counsel defending the respondents, on instructions from Mr. D.K. Sharma, Under Secretary, states that the salary of the applicant that may be due to

him under the rules shall be made over to him within a period of ten days from today."

2. After the disposal of the O.A., as indicated above, the applicant filed MA No.1966/2012 praying for appropriate orders under Rule 83 read with Rule 24 of the CAT (Procedure) Rules, 1987 and Section 340 of the Code of Criminal Procedure, 1973 in respect of alleged false submissions made by Shri D.K.Sharma, Under Secretary, Ministry of Statistics and Programme Implementation in the reply filed by him on behalf of the respondents in OA No.2284/2011 and also filed another MA No.2433/2012 on the lines of MA 1966/2012 in respect of false incorrect statement alleged to have been made by Shri D.K.Sharma, in OA No.2284/2011, and the same were dismissed with cost of Rs.5000/- in each application by a common order dated 08.11.2012, which reads as under:

"14. Having bestowed our careful consideration, we do not find any substance in the present Misc. Application. Both these Misc. Applications are accordingly dismissed with cost of Rs.5000/- (Rupees Five Thousand only) in each applications."

3. The respondents in the OA and also in the aforesaid MAs filed the present MA No.1248/2014 seeking execution of the aforesaid Order dated 08.11.2012 under Section 27 of the Administrative Tribunals Act, 1985 read with Rule 24 of the CAT (Procedure) Rules, 1987.

4. Heard both sides and perused the pleadings on record.

5. It is not in dispute that the order dated 08.11.2012 of this Tribunal in MA No.1966/2012 and MA No.2433/2012 in OA No.2284/2011 has attained finality as the same was not questioned till date before any Forum/Court. No party to the lis can contend that he will not comply with the order of the Court/Tribunal for which he is a party. Once it is admitted by the 1<sup>st</sup> respondent in the present MA, who is the original applicant in the OA, that the Order dated 08.11.2012 has attained finality, he is bound to comply with the same.

6. Hence, in these circumstances, the 1<sup>st</sup> respondent in the present MA, is directed to comply with the order dated 08.11.2012 in MA No1966/2012 and MA No.2433/2012 in OA No.2284/2011 of this Tribunal, within four weeks from the date of receipt of a copy of this order and to report compliance.

7. List the MA on 26.08.2016.

(V. N. Gaur)  
Member (A)

(V. Ajay Kumar)  
Member (J)

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