

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

**CP No.776/2015
In
OA No.3865/2014**

this the 13th day of July, 2016

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. Birendra Kumar Sinha, Member (A)

Neelam Arora, Age-61 years
Retired Sr. Auditor (SA-8307181)
Office of CDA (Funds), Meerut Cantt.
W/o Mr. S.K.Arora, R/o 228, Sector-1
Shastri Nagar, Meerut -250004, U.P.Petitioner

(By Advocate: Applicant in person)
Versus

1. Mr. G.Mohan Kumar, Secy Defence
Union of India, Through Secretary
Ministry of Defence, Govt. of India
New Delhi – 110 001.
2. Mr. S.S.Mohanty, CGDA
The Controller General of Defence Accounts (CGDA)
CGDA HQrs. Ulan Batar Road, Palam
Delhi Cantt. – 110 010.
3. Mr. J.S.Arya, CDA (Funds)
The Controller of Defence Accounts (CDA)
(Funds), Near Head Post Office
Meerut Cantt.-250 001, UP.Respondents

(By Advocate:Shri Hanu Bhaskar)

ORDER (ORAL)

By Hon'ble Mr. V. Ajay Kumar, Member (J)

Heard the applicant in person and Shri Hanu Bhaskar, learned counsel
for the respondents.

2. The present Contempt Petition is filed alleging non-implementation of the orders of this Tribunal dated 17.09.2015 in OA No.3865/2014 where under this Tribunal directed the respondents as follows :-

".....In the wake, the OA is disposed of with direction to respondents to consider the claim of the applicant for payment of terminal benefits in terms of the aforementioned judgment as expeditiously as possible preferably within eight weeks from the date of receipt of a copy of this order. No cost."

3. In compliance to the aforesaid orders the respondents have passed a speaking order on 13.01.2016 and the operative part of which reads as under :-

"Now, therefore, in compliance of the CAT judgment in OA No.3865/2014 dated 17.09.2015. The undersigned directs Smt. Neelam Arora to furnish one surety of a serving Central Government servant who shall undertake to make good to the government all emoluments paid to Smt. Neelam Arora on account of pensionary/terminal benefits as may be affected by any orders under rule 9(1) of CCS (Pension) Rules, 1972 that may ensue in consequence of judgment in the trial court in all cases against Smt. Neelam Arora. Thereafter documents for release of gratuity etc. will be forwarded to PCDA (P) Allahabad for payment as per due process.

No.: AN/III/F/Court Case/OA 3835/2014/Neelam Arora
Dated : 13.01.2016."

Accordingly, the applicant furnished the surety of one Shri Narendra Kumar Arora, AE (Civil), a central government employee. Since the same lacks certain information, the respondents vide their letter dated 02.02.2016, requested the applicant to fulfil the following requirements with regard the said surety :

"In this regard, please provide the surety/undertaking on non-judicial stamp paper of Rs.100/- duly attested by notary public and countersigned by the surety's Head of Office to enable this office to process the case further.

The surety should clearly state the following :-

1. His name and current address.
2. His office name and his designation.
3. His date of retirement (he should have at least 2 years remaining service).
4. The guarantor/surety should clearly state that in case of recovery falling due it may be recovered in lump sum from the pay & allowances and other dues including GPF balances etc.

5. He shall also undertake that if he retires prior to a final decision, an amount equal to the amount of surety may be withheld from his dues/assets till finalization of case.
6. The head of the office of the surety should also certify that no disciplinary/departmental proceedings are pending against the guarantor/surety."

4. On perusal of the directions issued by this Tribunal and the aforesaid order passed by the respondents, we are of the view that the orders of this Tribunal have been substantially complied with by the respondents, but the applicant herself failed to act by furnishing the required information. The submission of the applicant that the requirements mentioned in letter dated 02.02.2016 are unreasonable cannot be accepted.

5. In the circumstances and in view of the substantial compliance of the orders of this Tribunal by the respondents, the CP is closed. Notices issued to the respondents are discharged. However, once the applicant complies with the requirements mentioned in letter dated 13.01.2016, read with letter dated 02.02.2016, the respondents shall release the amounts to the applicant, immediately thereafter. No costs.

(Dr. Birendra Kumar Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

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