

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

C.P. No. 538/2016 In
O.A. No.2441/2015
M.A. No.3041/2018

Reserved on :14.09.2018

Pronounced on :___.10.2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. ARADHANA JOHRI, MEMBER (A)**

Mangal Singh Arya
Aged about 60 years
S/o Late Shri Jaghar Singh
R/o Flat No.II-H-3/306,
Shubh Apartment,
GDA Society, Sector-02,
Rajender Nagar, Sahibabad,
Ghaziabad, UP.

Removed from the post
Senior SDE (GO-18716)
Mahanagar Telephone Nigam Limited,
Office of DGM (A), East,
2nd Floor, MDS Bhawan,
New Delhi-110002.

(By Advocate : Mr. K.P. Gupta)

..Petitioner

Versus

1. Smt. Aruna Sundararajan
The Secretary (DOT & Chairman (TC))
Department of Telecommunication,
915, Sanchar Bhawan,
20, Ashoka Road, New Delhi.

2. Shri Manish Pathak
The Controller of Communication Accounts,
Office of Principal Controller of Communication
Accounts, DOT Building,
Prasad Nagar,
New Delhi. .. Respondents

(By Advocate : Mr. C. Bheemanna, Sr. Standing Counsel with Shri
V.S.R. Krishna)

ORDER

By Mr. V. Ajay Kumar, Member (J)

MA No.3041/2018

For the reasons stated therein, the MA for filing additional documents to the reply filed by the respondents on 11.07.2018 is allowed.

C.P. No.538/2016

OA No.2441/2015 filed by the applicant was allowed on 03.06.2016 as under:-

“6. I, therefore, allow this O.A. and set aside the impugned order dated 19.05.2015. I further direct the respondents to reconsider grant of retiral benefits to the applicant in the light of observations made above. In case pensionary benefits are granted to him then he would also be entitled interest at GPF rate computed from the date of retirement of the applicant till the date of payment. The aforesaid payment shall be made to him within a period of 08 weeks from the date of receipt of a certified copy of this order. No costs”.

2. Alleging non-implementation of the aforesaid order of this Tribunal, the petitioner, filed the instant CP.
3. Heard Shri K.P. Gupta, learned counsel for the petitioner and Mr. C. Bheemanna, Sr. Standing counsel with Shri V.S.R. Krishna, learned counsel for the respondents and perused the pleadings on record.
4. Shri K.P. Gupta, learned counsel appearing for the petitioner submits, that the petitioner was absorbed in the MTNL with effect from 01.10.2000 and whereas he was dismissed from service from MTNL with effect from 16.09.2013. Though the respondents paid all

the retiral benefits with effect from the date of dismissal, i.e., from 16.09.2013, but he was entitled for payment of the same, i.e., payment of pension and other retiral benefits with effect from the date of absorption in MTN, i.e., from 01.10.2000. Non-payment of the pension and other retiral benefits with effect from 01.10.2010, is in violation of the orders of this Tribunal in the OA and accordingly, he prays for punishing the respondents-contemnor under the provisions of the Contempt of Court Act, 1971.

5. On the other hand, learned counsel for the respondents would submit that they have fully complied with the orders of this Tribunal in the OA in its true spirit and accordingly paid the pension and all other retiral benefits, along with interest with effect from the due date and accordingly prayed for dismissal of the CP.

6. A careful examination of the orders of this Tribunal dated 03.06.2016, clearly indicates that the respondents were directed to reconsider the claim of the petitioner for granting all the retiral benefits in the light of the observations made in the judgment, and that in case pensionary benefits are granted to the petitioner, then interest at GPF rate was also directed to be paid from the date of retirement to the date of payment. Admittedly, the respondents have complied with the said direction and granted the retiral benefits and also paid the interest, as directed by this Tribunal.

7. In the circumstances and for the aforesaid reasons, we do not find any deliberate and willful disobedience of the order of this

Tribunal by the respondents and accordingly the CP is dismissed.

Notices are discharged. No costs.

(ARADHANA JOHRI)
Member (A)

(V. AJAY KUMAR)
Member (J)

RKS