

**Central Administrative Tribunal
Principal Bench**

**CP No.494/2018 in
OA No.2945/2017**

New Delhi, this the 24th day of September, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. Sudhakar Sharma
Aged about 60 years(Group 'A')
Secretary, Retired Lalit Kala Akademi
S/o Late Sri B.B.Sharma
R/o BW-54-D, Shalimar Apartments
Shalimar Bagh Delhi -110 088. Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Sh. Uttam Pracharle
Chairman, Lalit Kala Akademi
Rabindra Bhawan 35
Firozeshah Road
New Delhi -110 001.
(An Autonomous Organisation under
Ministry of Culture)
2. Sh. Arun Goel, Secretary
Ministry of Culture
Shastri Bhawan
New Delhi. Respondents

(By Advocates: Shri Mahender Kumar Bhardwaj and
Shri K.C. Dubey for Res. No.1 and Shri Hanu Bhaskar
for Res. No.2)

ORDER (ORAL)**Justice L. Narasimha Reddy:-**

This case is a typical instance which, in a way sounds a semblance of warning to the Tribunals to be a bit cautious while making certain observations which are otherwise deemed to be innocuous. The complications which arise out of such observations, many a times, assume proportions which are beyond comprehension.

2. The applicant was working as a Secretary in the Lalit Kala Academy, the first respondent herein. He filed an application seeking voluntary retirement. Complaining that the application was not being dealt with, he filed OA No.2945/2017. During the pendency of the OA, he attained the age of superannuation on 31.10.2017. For all practical purposes, the OA became infructuous. However, out of grace towards the applicant, the request for release of pension was dealt with in the form of a general observation. This contempt case is filed alleging that the respondents have not implemented order of this Tribunal dated 19.04.2018 in OA No.2945/2017.

3. We heard Shri M.K. Bhardwaj, learned counsel for the applicant, Shri Mahender Kumar Bhardwaj with Shri K.C. Dubey, learned counsel for respondent No.1 and Shri Hanu Bhaskar, learned counsel for respondent No.2.

4. It is a matter of record that the applicant retired from service on 31.10.2017. The applicant himself filed MA No.1738/2018 informing the court that the OA has become infructuous. Taking note of that fact, the OA was dismissed as infructuous. It is in this context that the following observation was made:-

“....Since the applicant retired on 31.10.2017, it is presumed that in conformity with the rules, his pension papers would be ready. Therefore, his pension must be paid to him forthwith, as per his entitlement alongwith arrears etc. In view of this, MA No.1738/2018 is also dismissed as infructuous.”

It becomes clear that neither there was any specific direction regarding quantification of his pension nor any adjudication as to his entitlement. It was on the presumption that the pension papers may have been ready, that the said observation was made.

5. Today, it is brought to our notice that the disciplinary proceedings have been initiated in the context of determination of the pay scale of the applicant and those proceedings are yet to be finalized. In all fairness to the applicant, the respondents have released provisional pension through order dated 10.05.2018. Even this fact was mentioned in the present contempt case.

6. Once there is no specific direction as to the entitlement of the applicant to receive any particular amount as pension or other benefits, much less any specific direction, the question of the respondents being held guilty of contempt does not arise. Added to that, though the second respondent is not a party to the OA, he was impleaded herein, by name.

7. We do not find any merit in the contempt case. The same is accordingly closed.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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