

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

C.P. No.804/2017
IN
O.A. No.4202/2017

This the 17th day of May, 2018

Hon'ble Mr. Justice Dinesh Gupta, Chairman
Hon'ble Mr. K.N.Shrivastava, Member (A)

Naresh Kumar Batra,
S/o late Shri S.C. Batra,
(aged about 60 years)
R/o B-1/1630, Vasant Kunj,
New Delhi-110070.
(Retd. Asstt. Commissioner,
Dte. of Legal Affairs, CBEC, New Delhi)
(Mobile No.09810090238)

....Applicant

(By Advocate Shri L.R. Khatana)

VERSUS

1. Shri Hasmukh Addhia,
Secretary to the Govt. of India,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi-110001.
2. Ms. Vanaja Sarna,
Chairman,
Central Board of Excise & Customs,
North Block, New Delhi-110001.
3. Shri Gaurav Kumar,
Commissioner (Addl. Charge),
Directorate of Legal Affairs, CBEC,
Rajendra Bhawan,
210, Deen Dayal Upadhyay Marg,
New Delhi-110002.
4. Ms. Harbinder Kaur Prasad,
Commissioner,
Directorate of Legal Affairs, CBEC,
Rajendra Bhawan,
210, Deen Dayal Upadhyay Marg,
New Delhi-110002.

.....Respondents

(By Advocate : Shri Gyanendra Singh)

ORDER (ORAL)

Justice Dinesh Gupta, Chairman :

Heard.

2. Vide our Order dated 28.11.2017, we had issued the following interim directions:-

“In our considered view, the applicant has made a *prima facie* case. The respondents are directed not to give effect to order dated 6.11.2017 until further orders. The respondents are also at liberty to file objection, if they are so advised.”

3. In this Contempt Petition, it is stated that the respondents have not implemented the *ibid* Order of the Tribunal. The respondents in compliance have stated that an amount of Rs.1,00,000/- recovered from the salary of the applicant for the month of November 2017 has since been refunded to him and that they are not seeking any further recovery from the applicant pursuant to the order dated 6.11.2017.

4. We find that in the order dated 6.11.2017, not only the recovery of excess payment towards salary was ordered but also ordered to reduce the basic pay of the applicant from Rs.93800/- to Rs.90000/-.

5. By virtue of our interim order, the basis pay was to be restored to Rs.93800/-. This has not been done as is evident from the salary slip of the applicant for the month of November 2017. It would thus appear that the Order of the Tribunal has not been fully complied with.

6. Shri Gyanendra Singh, however, submitted that the quantum of less payment of salary due to reduction ordered vide the order dated 6.11.2017 has since been paid to the applicant. This would mean that respondents have restored the basic pay of the applicant at Rs.93800/-. It is, therefore, natural that while determining the pensionary benefits of the applicant, this will be taken into consideration by the respondents.

7. In this view of the matter, we find that the interim order of the Tribunal has been fully complied with. As such, the Contempt Petition stands closed. Notices issued are discharged.

(K.N.Shrivastava)
Member (A)

(Justice Dinesh Gupta)
Chairman

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