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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

C.P.C/350/159/2015

O.A./350/1384/2013

Date of Order: 21.02.2017

Present : Hon'ble Mr. A. K. Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Ajit Kumar Baidya, S/o P. Chandra Baidya, aged about 66 years, retired D.P.A (Data Processing Assistant) in Central Statistical organization (IS Wing), 1, Council Street, Calcutta- 1, at present residing at Vill & P.O. Parbangla, P.O. Batanagar, 24 Parganas (S), West Bengal, Pin- 700140.

.....Applicant.

1. T C A Anant, Secretary, Ministry Of Statistics & Programme Implementation, Department of Statistics, Sardar Patel Bhawan, Sansad Marg, New Delhi.
2. G. Punjabi, Director, Central Statistical, Organisation (IS Wing), 1, Council House Street, Calcutta- 1.
3. P.K. Dev, Sr. Accounts Officer, Pay & A/c's Office, Ministry of Statistics & P1, Calcutta- 1.

.....Contemners/Respondents.

For the Applicant : None

For the Respondents : Mr. LK Chatterjee, Counsel
Mr. SK Ghosh, Counsel

ORDER(Oral)

Mr. A. K. Patnaik, JM:

Heard Mr. LK Chatterjee along with Mr. SK Ghosh, Id. counsel for alleged contemners/respondents.

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2. This Contempt Petition has been filed under Section 17 of the Administrative Tribunal Act, 1985 read with Section 12 of the Contempt of the Court Act 1971 and Contempt of (Courts CAT) Rules, 1972 alleging deliberate violation of the order passed in O.A. 1384/2013 dated 22.08.2014. On perusal of the records, we find that the O.A. 1384/2013 has been filed for following reliefs:

"8(i) To set aside and quash impugned order No. 8(1)/2008. Admin.I/(Pension)/7083 dated 05.12.2012 issued by under Secretary & HO, Ministry of Statistics and PI.

(ii) To direct the respondent authorities to pay interest @ 12% on delayed payment of DCRG, Encashment of Leave, withheld DCRG of 10% of certified value and arrear of 6th Pay Commission from date of retirement till actual payment made.

(iii) Cost of the suit.

(iv) Any other order and/or orders as the Hon'ble Tribunal may deems fit and proper."

3. On the last occasion when the matter came up for hearing the following order was passed:

"Heard Mr. C. Sinha, Id. counsel appearing for the applicant and Mr. LK Chatterjee, Id. counsel leading Mr. SK Ghosh, Id. counsel appearing for the alleged contemnners/Railway respondents.

Mr. Sinha submitted that the OA was disposed of with a direction to pay simple interest of 8% on the amount of his pension and pensionary benefits from the date of his retirement till the date of actual payment with in a period of 2 months from the date of communication of the order. Mr. Sinha submitted that though the applicant has received interest on DCRG as directed by the Tribunal, 10% of withheld DCRG and arrear amount of 6th CPC payment, but the applicant is yet to receive interest on pension and leave salary. On the other hand Mr. Chaterjee, drawing our attention to para 13 of the order, submitted that direction was issued by this Tribunal to pay simple interest @ 8% of the amount of pension and pensionary benefits and that never includes interest on leave salary. However, Mr. Chatterjee brought to our notice that certain orders have been passed for payment of 8% simple interest on admissible pension and pensionary benefits and he wants to

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file a compliance report enclosing those documents by serving a copy on Mr. Sinha.

List on 21.02.2017.

Name of Mr. L.K. Chatterjee, Id. counsel be reflected along with Mr. SK Ghosh in the cause list in future by the Registry.

It was also brought to our notice that the MAs have already been disposed of."

4. Today, none appeared for the petitioner and after hearing in extenso Id. counsel for the alleged contemnors, we find that there is no deliberate violation of the order passed by this Tribunal. Accordingly, the Contempt Petition is dropped. Notices, issued, if any are also discharged.

(Jaya Das Gupta)
Member (A)

(A.K. Patnaik)
Member (J)

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