

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Monday 26th day of November Two Thousand And Eighteen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

C.P.310/00009 of 2018
in
M.A. No. 110 of 2018
in
O.A.No. 667 of 17

1. Smt. Thirumalai, 80 years,
W/o. Late M.V. Kuppan;

2. Smt. Shakila, 46 years,
D/o. Late M.V. Kuppan

(Both residing at No. 60, Rukmani Nagar, 3rd Street,
Maduravoyal, Chennai-95)

....Petitioners/Applicants /Applicants

(By Advocate: M/s. Revathy Radhakrishnan)

Versus

1. Mr. M. Sampath,
The Chief Post Master General,
Legal Cell, Anna Road Head Post Office,
Chennai- 600 002;

3. Mr. A.K. Natarajan,
The Superintendent,
R.M.S. 'M' Division,
Command in Chief Road,
Chennai- 600 008.

...Contemnors/Respondents/Respondents

(By Advocate: Mr. M.T. Arunan)

O R A L O R D E R

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

This contempt petition has been filed alleging wilful disobedience of the order of the Tribunal dated 15.11.2017 in OA No. 667/2017.

2. Learned counsel for the respondents would submit that the respondents passed an order dated 12.10.2018 regarding the claim of the applicant and, therefore, there was no contempt. The applicant is insisting on payment of 100% of terminal benefits to herself whereas according to the compromise entered into between the disputants before the Lok Adalat, 60% of the terminal benefits was to be paid to the first wife of the deceased employee and the remaining 40% to the applicant. The applicant is being paid full amount of pension as per the compromise and orders issued by PPO Forwarding Letter dated 13.11.2018 and the letter written to the applicant dated 16.11.2018 regarding the terminal benefits are referred to in this regard. Accordingly, it is submitted that since the order of this Tribunal had been complied with, the C.P. is liable to be dismissed.

3. Learned counsel for the C.P. applicant would submit that the applicant had not been paid her dues even in accordance with the aforesaid orders. She would further submit that the other claimed wife is now no more and, therefore, as per the agreement, the entire terminal benefits must be paid to her.

4. I have considered the matter. It is not disputed that the respondents passed a speaking order dated 12.10.2018 in compliance of the order of this Tribunal dated 15.11.2017 and followed it up with a PPO Forwarding Letter dated 13.11.2018 and a letter to the applicant dated 16.11.2018. As such, the charge of wilful disobedience cannot be sustained against the respondents and, therefore, the C.P. is liable to be closed. However, if the consequent payments are delayed inordinately except for reasons such as delay in opening of the bank account of the applicant, the C.P. applicant shall be at liberty to move for reopening C.P.

5. As for entitlement for full payment of terminal benefits following the death of the other claimant, the applicant is at liberty to approach the competent Civil Court if the compromise between the disputants did not cover this contingency.

6. C.P. is closed and notices discharged.

(R. RAMANUJAM)
MEMBER (A)

Asvs.

26.11.2018