

Devi Dayal Vs. Union of India and Others

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Court : Central Administrative Tribunal CAT Delhi

Decided On : Mar-29-2012

Judge : S.C. Sharma, Acting Chairman & the Honourable Dr. Ramesh Chandra Panda, Member (a)

Appeal No. : CP No.146/2012 OA No.1771/2008

Appellant : Devi Dayal

Respondent : Union of India and Others

Advocate for Pet/Ap. : For the Applicant : Sh. K.K. Sharma, Advocate. For the Respondents : Shri Shailendra Tiwary, Advocate.

Judgement :

(ORAL) :

Justice S. C. Sharma, Acting Chairman :

The instant Contempt Petition has been moved for willful disobedience of the order passed by this Tribunal in OA No.1765/2008 with OA No.1771/2008 decided on 21.08.2008. Certain directions were given by the Tribunal to the respondents. Firstly, to pass a final order regarding the enquiry within two months from the date of communication of the order. It was regarding the first enquiry. An order was also passed regarding second enquiry and it was directed that it may also be concluded. It may be relevant to reproduce Para No.7 of the OA, which is as

follows:-

7. In totality of the facts and circumstances of this case, we are of the view that a directions needs to be issued to the respondents to expedite both the enquiries. Insofar as, the first enquiry pertaining to memorandum dated 8.1.2003 is concerned, the entire process is over and, therefore, we direct the respondents to take the said enquiry to its logical ends by passing final order within two months from the date of receipt of this order. Insofar as, the second enquiry subject matter of memorandum dated 16.6.2006 is concerned, the same also needs to be concluded expeditiously. The respondents cannot postpone the said enquiry indefinitely. If the relied upon documents are not available, and the same have bearing upon the controversy and are required to be examined by the applicant, the respondents may pass appropriate orders, which may also include dropping of the proceedings, or else, the documents must be supplied to the applicant within a month from today and the enquiry completed within three months thereafter, subject to the applicant cooperating in the same.

2. Regarding the first enquiry, it was dropped and regarding second enquiry, an order was passed for 20% deduction of the pension and 80% is to be paid to the applicant. An order was passed in this connection by the respondents on 15.03.2012. It has been mentioned in the order that the payment for retrial benefits has been sent to the Bill Section of the Office on 23.01.2012 and after publication of the PPO it will be sent to the Baroda House and after that the entire payment shall be made. It has also been submitted that 5 years period has already been passed after the retirement of the applicant, hence medical examination is required and the applicant is required to be re-medically examined so as to provide him the commutation.

3. Learned Counsel for the applicant argued that the order has not been complied with in its entirety and nothing has been paid to him and how he has supposed to come to the medical officer for medical examination without any communication from the respondents.

4. It is also evident from the order dated 26.03.2012 that the amount of DCRG i.e. Rs.3,18,348 has already been remitted along with a sum of Rs.2,12,608/- towards

leave encashment and the provision has been made for commutation of pension and after receipt of the necessary claim form the amount shall be settled and sent. Learned counsel for the respondents stated that this exercise will be conducted within a period of one month. The medical examination is not required for the purpose of ascertaining applicants health but it is required that the applicant is still alive. From all these exercises, we can infer that the respondents have complied with the order and they are in the process of complying the order.

5. Considering all these facts, it will be just and appropriate to drop the contempt proceedings as some part of the order has already been complied with and some is to be complied with within a month.

6. Hence, the contempt petition is dropped and the entire payment be made as per rules to the applicant within a period of one month and in case grievance of the applicant is not redressed within the specified period then the applicant has got right to move an application for revival of the contempt petition.

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