

(2021) 03 CAT CK 0172

In the Central Administrative Tribunal

Case No : Contempt Petition No. 206 Of 2020, Original Application No. 1045 Of 2019

Ramesh Kumar Rajput

APPELLANT

Vs

S.C. Jain

RESPONDENT

Date of Decision : 25-03-2021

Acts Referred:

Citation : (2021) 03 CAT CK 0172

Hon'ble Judges : R.N. Singh, J;Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Gaya Prasad, Satpal Singh

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

1. The present Contempt Petition has been filed by the petitioner alleging willful defiance of the Tribunal's directions passed vide Order/Judgment dated 05.02.2020 in the aforesaid OA. The operative portion of the Order/Judgment under reference reads as under:-

"8. In light of the above, I am of the view that there is merit in this OA. Impugned orders dated 25.06.2015 and 13.11.2018 are set aside. Since the applicant did not stay in government accommodation, he is entitled to the benefits allowed under various rules and OMs for staying in private accommodation. The respondents are directed to pay whatever dues he was entitled to as per rules by virtue of stay in private accommodation. Any dues deducted against the rules should also be refunded to the applicant.

9. In view of above, the O.A is allowed. There shall be no orders as to costs."

2. In compliance of the aforesaid directions of this Tribunal, the respondents have filed compliance affidavit dated 25.02.2020 enclosing therewith Annexure R-1 wherein it is stated that in compliance of the directions of this Tribunal, the

department has approved the payment of HRA Rs.2,17,589/-, which has been deducted from the salary of the petitioner for not occupying quarter at Narela in Delhi and the same has been refunded by the account department vide CO7 No.4542 dated 25.02.2021. They have also annexed therewith the compliance affidavit an order dated 25.02.2021 in this regard. However, respondents have not given the due and drawn statement with the aforesaid compliance affidavit and accordingly the respondents have filed another compliance affidavit dated 11.03.2020 wherein it is stated that the department has refunded the entire amount w.e.f. 01.07.2015 to 31.08.2015 which has been deducted from the salary due to allotment of railway accommodation. The department has paid the HRA, house rent and water charges etc. i.e. all admissible allowances and a due and drawn statement for the period of 01.07.2015 to 31.07.2017 has been annexed therewith with such compliance affidavit as Annexure R-1.

3. Shri Gaya Prasad, learned counsel for the petitioner, submits that around 15 or 17 thousands less, has been refunded to the petitioner and, therefore, the present compliance affidavit is not a compliance of the aforesaid directions.

4. We have heard learned counsels for the parties and perused the records.

5. We are of the considered view that no amount or the rate was defined in the aforesaid Order of the Tribunal.

6. We have perused the pleadings on record also and we are of the considered view that the aforesaid order of this Tribunal has not directed to pay any defined amount by the respondents to the petitioner. In such background, we are of the considered view that the compliance of the directions by this Tribunal has been made by the respondents. Accordingly, the present CP is closed. Notices are discharged. However, the petitioner shall be at liberty to avail the remedies, if some grievance still survives in accordance with law.