

Sarita Saran Verma Vs Union Of India & Ors.

Court: Central Administrative Tribunal Principal Bench, New Delhi

Date of Decision: Jan. 9, 2025

Hon'ble Judges: Manish Garg, Member (J); Dr. Anand S. Khati, Member (A)

Bench: Division Bench

Advocate: S. Chakraborty, Dilbagh Singh

Final Decision: Disposed Of

Judgement

1. This Contempt Petition has been filed alleging willful defiance of the order dated 16.02.2024 passed by this Tribunal in OA No. 2667/2023.

2. It is the contention of the learned counsel for the petitioner that this Tribunal while disposing of the associated OA vide order dated 16.02.2024 had

passed specific directions to the respondents to pay the gratuity amount within a period of 5 weeks. However, the respondents despite the lapse of 5

weeks have not adhered to the orders passed by this Tribunal and hence the petitioner had no other efficacious remedy but to approach this Tribunal

by way of filing the present Contempt Petition.

3. Opposing the present Contempt Petition, learned counsel for the respondents submitted that after pronouncement of the final order dated

16.02.2024 in the associated OA, the respondents issued a letter dated 27.03.2024 to the petitioner to submit No dues Certificate for pursuing the file

for realizing the gratuity and, thereafter, the petitioner submitted her No Dues Certificate on 12.04.2024, but she had not deposited the damage charge

of Rs. 6,71, 253/- for unauthorized occupation of government accommodation in Nurse Hostel of Dr. RMLH. Thereafter, the petitioner had been

issued a letter on 25.04.2024 vide No. NS-11/994/2022-Dr. RMLH(NS) again for submitting the damage charge of Rs. 6,71, 253/- and the

respondents had filled M.A. No. 1667/2024 for extension of time and to issue her notice for submitting damage charge before this Tribunal. However,

the said M.A. was disposed of on 15.07.2024. Thereafter, the respondents have issued Office Order for her No Dues Certificate on 24.07.2024 vide

No. NS-11/5/2022-Nursing Section Dr. RMLH except amount of Rs. 6,71,253/- on account of damage charge for unauthorized occupancy of

Government Accommodation in Nurse Hostel, Dr. RMLH.

3.1. Concluding his arguments, learned counsel for the respondents submitted that the gratuity of the petitioner has been released vide Bill no.

CP00003325 dated 31.07.2024 after deduction of Rs. 6,71,253/- on account of damage charge.

4. In Gurudeep Singh Vs Regonda Srinivas & Ors. CA No.128/2023 decided on 04.07.2023, the Apex Court observed as under :-

“13. On perusal of the judgment dated 17.12.2021, it does not emerge that it barred the appellants from issuing a fresh notification so as

to complete the process of recruitment. The said judgment only directed that the process of recruitment be completed within a period of two

months and appointment orders be issued to the successful candidates. Whether the recruitment was to be concluded in pursuance of the

notification of 2017, or by way of issuing a fresh notification, was not specified in the said judgment and therefore, in our view, this aspect

of the matter was left to the discretion of the appellants. In the absence of a specific direction to the effect that the recruitment be concluded

in pursuance of the notification of 2017 alone, we are unable to hold that issuance of a fresh recruitment notification would constitute

contempt of court. The timeline for completion of recruitment was stipulated by the court, while the manner in which the recruitment was to

be completed, was the prerogative of the appellants.

We also take note of the contention of the Learned Solicitor General that only provisional appointment orders could be issued in view of the

fact that the contempt petition initiated by the respondents, was pending.”

5. Further, we also observe that in Contempt Proceedings, the correctness and reasoning of the order(s) passed by the respondents cannot be looked

into while directions are issued by the Tribunal “to ascertain the position and accordingly arrange to release the payment of DCRG to the

applicant”. The petitioner relied on the decision rendered in Jyotimay Ray Vs The Field General Manager, Punjab decided by the Hon’ble

Apex Court on 06.11.2023. We observe that the said case pertained to 1977 Regulations and circulars thereto are applicable in case of compulsory

retirement. The facts of said case are entirely separate and distinct. It is also a fact that the petitioner does not dispute the issue of damage charges of

Rs. 6,71,253/- for unauthorized occupation of government accommodation in Nurse Hostel of Dr .RMLH. Merely peaceful handing over the

possession cannot come to the rescue of the petitioner. The issue of damage charges of Rs. 6,71,253/- for unauthorized occupation of government

accommodation had been agitated by the petitioner in separate proceeding before the Competent Court of Law. The petitioner has failed to bring the

same on record. It is matter of record that the respondents have issued Office Order for her No Dues Certificate on 24.07.2024 vide No. NS-

11/5/2022-Nursing Section Dr. RMLH except amount of Rs. 6,71,253/- on account of damage charge for unauthorized occupancy of Government

Accommodation in Nurse Hostel, Dr. RMLH. The gratuity of the petitioner has been released vide Bill no. CP00003325 dated 31.07.2024 after

deduction of Rs. 6,71,253/- on account of damage charge.

6. We may say that the reasoning assigned in the present matter, at first glance, may not be logical or touching upon the merits of the case (in the

present case, absence of No Dues Certificate), however, that by itself shall not be a willful act or defiance of the order passed by the Tribunal.

7. Accordingly, we close the present Contempt Petition with liberty to the petitioner to seek remedy in accordance with law, if so advised. Notices

stand discharged.

8. Pending MAs, if any, shall stand disposed of. No costs.