

**CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item no.: 27
C.P./302/2024 (DELHI)
[CONTEMPT PETITION]
[SENIOR CITIZEN]
In
O.A./1272/2020
RETIRAL BENEFITS
Court No.: 3

No of Adjournment: 1

Order Dated: 03/07/2024

**ALL INDIA RETIRED BHARAT SANCHAR NIGAM LIMITED EXECUTIVE WELFARE
ASSOCIATION THROUGH ITS GENERAL SECRETARY PRAHLAD RAI
Vs
BHARAT SANCHAR NIGAM LIMITED**

For Applicant(s) Advocate : Ms. Gauri Puri

For Respondent(s) Advocate : Mr. S.N. Verma

Order of The Tribunal

Present CP has been filed alleging wilful defiance of the directions of this Tribunal vide judgment dated 20.09.2023 passed in the captioned OA. The operative portion of the same reads as under:-

"28. In view of the elaborate discussion above, the OA stands allowed. The competent authority amongst the respondents is directed to forthwith revise the pension and family pension wherever applicable, strictly in accordance with the relevant rules and the entitlement governing pension to various sets of employees of the Central Government, maintaining strict parity. It is clarified that the benefits of revision of pension and family pension as notified by the Central Government on recommendations of the Pay Commission, shall stand extended in favour of the applicants, analogous to the revision of such pension in case of Central Government pensioners.

29. The directions contained herein shall be complied with within a period of ten weeks from the date of receipt of a certified copy of this order.

30. The OA stand allowed against the background of the aforesaid directions. Pending MA(s), if any, stands disposed of accordingly."

2. The order dated 20.09.2023 of this Tribunal was assailed by the respondents before the Hon'ble Delhi High Court by way of filing a Writ Petition No. 4946/2024 and Batch. This writ petition came up for consideration on 05.04.2024 and following order was passed:-

"4. At the outset, learned counsel for the petitioners requests for an adjournment.

5. While adjourning the matters at the request of learned counsel for the petitioners, it is made clear that this Court has neither issued notice in the petitions nor granted any stay and, therefore, the Tribunal will be free to proceed with the contempt petition, if any, preferred by the respondents, as per law.

6. List on 12.07.2024"

3. Thereafter the respondents preferred certain MAs in the WP(C) which came up for consideration on 31.05.2024 and the same were dismissed by the Hon'ble Delhi High Court. The order reads as under:-

"These are applications filed by the petitioners seeking early hearing of the writ petitions as also stay of the contempt petition initiated by the respondents.

2. We may note that the matter was last listed on 05.04.2024 when it was adjourned at the request of learned counsel for the petitioners to 12.07.2024.

3. While adjourning the matter, this Court had clarified that neither any notice had been issued in the writ petitions nor was the impugned order stayed.

4. In these circumstances, we see absolutely no reason to entertain the present applications on the last working day on 31.05.2024, when the petitioners had sufficient time to move such application/s if there was any such grave urgency for preponement of the next date of hearing.

5. We therefore, dismiss the applications with costs of Rs. 10,000/- in each of the matters, making it clear that the dismissal of these applications will not affect the merits of the application for stay already pending before this Court.

6. Costs in terms of this order will be paid to Delhi High Court Staff Welfare Fund [A/c: 15530110074442; IFSC: UCBA0001553] within a period of four weeks.

4. Accordingly, the learned counsel for the applicant presses that the order dated 28.09.2023 of this Tribunal be complied with. She reiterates that once the Hon'ble High Court has specifically mentioned in the order dated 05.04.2024 that the Tribunal is free to proceed with the contempt petition, there could not be any reason as to why the order should not be complied with.

5. Mr. S.N. Verma, learned counsel for respondents submits that the aforesaid writ petition is coming up for consideration on 12.07.2024 before the Hon'ble Delhi High Court and requests that the present CP may be listed after that date.

6. Be that as it may, we have no hesitation in concluding that in terms of the order dated 05.04.2024 this CP needs to be proceeded with. However, in view of the fact that the WP is coming up for consideration on 12.07.2024, let the present CP may be listed after the said date. In the event, the order of this Tribunal is not complied with, by the next date of hearing, respondent No. 1-Secretary, Department of Telecom or any other responsible officer, not below the rank of Director, shall appear in person to explain continued non-compliance of the order of this Tribunal.

Re-list on 13.08.2024.

Chhabilendra Roul
Member (A)

Pratima K Gupta
Member (J)

/daya/