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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 135/2017**

SURESH CHAND GARG

..... Petitioner

Through Mr.D.S.Mehandru, Advocate.

versus

DR K.K KUTTY & ANR

..... Respondents

Through Mr.Anuj Aggarwal, ASC for GNCTD
with Ms.Niti Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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15.02.2017

Present contempt petition has been filed alleging wilful disobedience of the order dated 19th May, 2016, passed by a Division Bench of this Court in W.P (C) No.5789/2015, whereby the petitioner was held entitled to a third financial upgradation with effect from 1st September, 2008 and the respondents were accordingly directed to calculate the arrears, including arrears of pension, consequent to the petitioner's retirement on 28th February, 2011 and pay the same to the petitioner within a period three months.

It was further clarified by the Court that in case the said payment is not made to the petitioner within three months, the respondents shall also be liable to pay interest @ 8 % per annum. The petitioner was held entitled to costs at Rs. 10,000/-.

Since the present Division Bench judgment was passed in a petition originally filed before the Central Administrative Tribunal

(CAT), this Court is of the opinion that the petitioner has an alternative effective remedy by filing a contempt petition before the CAT under Section 17 of the Administrative Tribunals Act, 1985.

Consequently, the present contempt petition is disposed of with liberty to the petitioner to file the proceedings under Section 17 of the said Act.

MANMOHAN, J

FEBRUARY 15, 2017
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