

Central Administrative Tribunal  
Principal Bench: New Delhi

C.P. No. 266/2002 In  
O.A. No. 947/2002

This the 22nd day of October, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)  
Hon'ble Shri V.K. Majotra, Member (A)

Shri Kant  
S/o Shri Dharambir Singh  
R/o C-252/1, Gali No.12,  
Bhajan Pura,  
Delhi.

-Petitioner

(By Advocate: Shri Ashish Kalia)

Versus

1. Shri A.K. Singh,  
Secretary,  
Council for Scientific  
& Industrial Research,  
Rafi Marg, New Delhi-1

2. Shri S.K. Brahmchari,  
Director  
Center for Biochemical Technology  
NFBGR,  
Mall Road, Delhi.

Contemnors/  
Respondents

(By Advocate: Shri Kapil Sharma with  
Shri S.K. Brahmchari,  
respondent No.2

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

We have heard the learned counsel for petitioner, the learned counsel for the respondents and perused the relevant documents on record. During hearing, Shri Ashish Kalia, learned counsel has submitted a letter said to be the resignation letter of the petitioner dated 30.3.2002 which has been received and accepted by the concerned contractor who had allowed him to work with the respondent organisation (copy placed on record). Shri Ashish Kalia, learned counsel has submitted that even as late

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as 16.4.2002 (wrongly typed as 1902 in the proforma invoice, page-10 of the paperbook), the petitioner had worked with the respondents. This has been stoutly denied by Shri Kapil Sharma, learned counsel who has submitted that as per attendance register maintained by the respondents in the office (Annexure R-1) the applicant had not reported for duty after 1.4.2002. He has also submitted that the other documents relied upon by the petitioner in the Contempt Petition subsequent to 1.4.2002 are not correct documents and have been manipulated and faked by the petitioner. He has drawn our attention to pages 33 to 38 Annexures to the reply affidavit with reference to enquiry number 9833. Departmental representative Shri Pankaj Bansal, Senior Sales and Distribution Officer who is present in court has also explained the generation of these relevant documents from the office computer as on 27.03.2002 with reference to Enquiry dated 25.02.2002 which was despatched from the office on 02.04.2002 (Page-32). The date of Enquiry i.e. 25.02.2002 was manipulated and altered to 10.04.2002. The manipulation is established from the date of despatch i.e. 02.04.2002 (Page-38). Thus, the date in the computer related to the concerned enquiry was 25.2.2002 and not 10.4.2002 which was manipulated and not computer generated.

2. The learned counsel of respondents produced a copy of resignation letter dated 30.03.2002 of the applicant effective from 01.04.2002 which had been

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accepted on 30.03.2002 itself to establish that there was no question of applicant attending office after 31.03.2002.

3. During the hearing, the learned counsel for the petitioner was asked to show the aforesaid resignation document to the applicant who is also present in court. The applicant admits that the signature in the document is his and was not able to explain further satisfactorily how he continued to work with the respondent organisation after 1.4.2002 as submitted by his learned counsel. At this stage, Shri Ashish Kalia, learned counsel has tendered profuse apology for the misconduct and improper action of the petitioner in misleading the court, which apparently was a deliberate action on the part of the petitioner. In this connection, it is relevant to note that the Tribunal vide order dated 15.4.2002 had recorded the statement of Shri Ashish Kalia, learned counsel for applicant that "the learned counsel stated that applicant is continuing with respondents even on that date". From the submissions made by the learned counsel for the parties today and after perusal of the relevant documents on record, we are satisfied that the petitioner is guilty of contempt of court by his misconduct and misleading the court for ulterior motives. Shri Ashish Kalia, learned counsel has tried to plead that the applicant being a young man of 25 years may be let off with a warning or a token fine. We are not impressed with this argument because the applicant has deliberately and wilfully misled the

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court. He has also briefed his counsel to make the aforesaid statement that he is continuing to work with the respondents even on 15.4.2002 when the status-quo order was issued on that date. Further, he is continuing with the misconduct when he has filed C.P., which conduct is highly deprecated and has to be dealt with suitably as it is not in the public interest.

4. In the present case, in view of the misconduct of the applicant who has admitted the same in open court today, that after submitting his resignation from the respondent organisation w.e.f. 1.4.2002, he <sup>not</sup> ~~has~~ attended the office, which is also borne out by the relevant official records, copies of which have been annexed with the reply filed by them, we see no reason to show any leniency to the petitioner. For the reasons stated above, Contempt petition 266/2002 is dismissed. Notices issued to the alleged contemners are discharged.

5. In the facts and circumstances of the case, the petitioner is directed to pay a fine of Rs.5000/- (Rupees five thousand only) to the respondents, to be adjusted against any payments which is outstanding to the petitioner, including his Provident fund dues.

6. In view of the above, Shri Ashish Kalia, learned counsel seeks permission to withdraw from OA-947/2002 and that it may be dismissed. In the  
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facts and circumstances of the ~~submitted~~ case and the  
misconduct of the applicant, OA-947/2002 is also  
dismissed. No costs.

V.K. Majotra

(V.K. Majotra)  
Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)  
Vice-Chairman (J)

CC.