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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

CP NO. 388/2002 IN
OA NO. 1728/2002

This the 9th day of September, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. S.A.T.RIZVI, MEMBER (A)

Rajvir Singh
Ex-Casual Labourer
COA(R&D), "L" Block, New Delhi-110001.

(By Advocate: Sh. E.J.Verghese)

Versus

1. Mr. G.C.Bhandari
Controller General of Defence Accounts,
West Block-V,
R.K.Puram,
New Delhi-110066.
2. Mr. Nand Kishore
Controller of Defence Accounts (R&D),
"L" Block,
New Delhi-110011.

ORDER (ORAL)

By Hon'ble Sh. Kuldip Singh, Member (J)

Counsel for applicant has filed the present CP
for initiating contempt proceedings against the respondents
under Section 21 read with Section 17 of the AT Act.
The facts giving rise to this petition in brief are that
the OA filed by the applicant has been disposed of by this
Tribunal on 10.7.2002 wherein the Court had given the
following directions:

"Having regard to the aforesaid claim made, we find
that interests of justice will be duly met by
disposing of the present OA at this very stage even
without issue of notices with a directions to the
respondents to consider the present OA as a representation
submitted by and on behalf of applicant for grant of
regularisation and pass a reasoned and a speaking
order within a period of two months from the date of
receipt of a copy of this order. Pending orders
to be passed in pursuance of the present direction,
services of applicant will not be replaced by employing
fresh casual labourers in his place."



2. In compliance of these orders the department had issued an order dated 23.8.2002 which is a detailed and reasoned order disposing of the representation of the applicant. The applicant submits that the respondents have committed contempt of court as they have not complied with the orders and they have taken a shelter under the judgment of Union of India vs. Mohan Pal reported in 2002 AIR SCW 2040 but they have not taken ^{it} ~~an~~ right perspective and instead of that they ^{have} ~~turned~~ down the representation of the applicant which amounts to contempt of court.

3. We have gone through the judgment cited by the counsel for the applicant as well as the order passed by the department. Particularly, after going by the directions as given in para 2 of the judgment we find that the directions are given to the respondents only to consider the present OA as a representation submitted on behalf of the applicant for grant of regularisation and pass a reasoned and speaking order within a period of 2 months. The order so passed by the department is a reasoned and speaking order and department in his own wisdom has decided the representation. There does not appear to be any wilful or contumacious disobedience on the part of the department in non-implementing the directions given by the Tribunal. So, no contempt is made out. CP is dismissed. However, if applicant has a grievance, he may challenge it separately by another OA.



(S.A.T. RIZVI)
Member (A)

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(KULDIP SINGH)
Member (J)