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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 86/2003  
in  
OA 379/2002

New Delhi, this the 5th day of March, 2003

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

Mahinder Prakash  
S/o Late Shri Mangal Sain  
Retired Office Superintendent (Type)  
Northern Railway  
Construction Organisation  
Headquarters Office  
Kashmere Gate  
Delhi - 110 006.  
R/o KM-103, Kavi Nagar, Ghaziabad.

...Applicant

(By Advocate Sh. M.L.Sharma)

V E R S U S

1. General Manager  
Northern Railway  
Headquarters Office  
Baroda House, New Delhi.

2. Chief Administrative Officer (Const)  
Northern Railway, Kashmere Gate, Delhi - 6.

...Respondents

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, VC (J)

We have heard Shri M.L.Sharma, learned counsel  
in contempt petition No. 86/2003 in OA 379/2002.

2. The directions of the Tribunal contained  
in the order dated 23-10-2002 in OA 379/2002 are  
reproduced below :-

" 15. OA is disposed of with the  
directions as follows :-

(i) The impugned order of reduction of  
pay is quashed, but the respondents need  
not refund the money.

(ii) Respondents shall issue a fresh  
show cause notice to applicant within 30  
days from the receipt of a copy of this  
order. The applicant then may make a  
representation within 15 days upon which

department may provide even personal hearing and shall then decide the case within 30 days."

In pursuance of the aforesaid order of the Tribunal, respondents have issued the show cause notice dated 22-11-2002. One of the main contentions of the learned counsel for the petitioner is that <sup>the</sup> show cause notice has not been issued by Respondent No.2 who should have personally issued that notice, which amounts to contempt of the Court's order. We are unable to agree with this contention, as we note that <sup>a</sup> show cause notice has been issued from the office of Headquarters office, Kashmere Gate on behalf of the Chief Administrative Officer (Construction) <sup>y2</sup> who was respondent No.2 in OA 379/2002. Admittedly, the applicant submitted a representation to the aforesaid show cause notice on 2-12-2002 and he was also given a personal hearing on 20-12-2002 by the concerned officer. Learned counsel for the petitioner has drawn our attention to the letter issued from the office of respondent No.2 dated 24-1-2003 which he submits is in sheer contempt of Tribunal's aforesaid order and there has been a delay of about three days in issuing the order.

3. After careful consideration of the relevant facts and circumstances of the case, including the order of the Tribunal in OA 379/2002, while we see that there has been few days delay on the part of the respondents in issuing the speaking order, the manner in which they have proceeded to implement the Tribunal's order shows that they have taken the necessary steps and have not contumaciously tried to disobey the order passed by the Tribunal dated

4

23-10-2002. It has been repeatedly held by the Hon'ble Supreme Court in a catena of judgements that while it is necessary to uphold the Majesty of Law in such circumstances, it is also necessary that the Courts/Tribunals should not over react in such matters, unless and until a clear case of contumacious and wilful disobedience of the <sup>Courts/</sup> ~~the~~ Tribunal's order is established. Taking into account the particular facts and circumstances of the present case, we are unable to come to the conclusion that this is one such case where the respondents ought to be proceeded <sup>against</sup> or meted out punishment under the provisions of the Contempt of Courts Act, 1971 read with Section 17 of the Administrative Tribunals Act, 1985.

4. For the reasons given above, CP 86/2003 is dismissed.

V.K. Majotra

(V.K. Majotra)  
Member (A)

Lakshmi Swaminathan

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

/vksn/