

Central Administrative Tribunal
Principal Bench

CP 149/2009

in

OA No. 3264/2002

New Delhi, this the 18th day of May, 2009

Hon'ble Mr. Justice V.K. Bali, Chairman
Hon'ble Mr. Shailendra Pandey, Member (A)

Surendra Kumar
S/o late Sh. Ashutosh Kumar
R/o 41-A/9, Flat No. 3, Yogmaya Apartments,
Kishan Garh, Vasant Kunj,
New Delhi – 110 070.

...Applicant

(By Advocate: Shri Rabinder Ghumman)

Versus

Sh. Y.S. Dadwal,
Commissioner of Delhi Police,
Delhi Police Headquartes,
MSO Building, ITO, New Delhi.

...Respondents

(By Advocate: Sh. R.N. Singh)

ORDER (ORAL)

Justice V.K. Bali, Chairman:

Operative part of the order passed by this Tribunal reads as follows:-

"8. On the basis of above discussion, we have no doubt that this is a case of 'no evidence'. The OA succeeds and the order dated 14.08.2002 of the disciplinary authority and order dated 31.10.2002 of the appellate authority are quashed and set aside. The applicant should be reinstated in service forthwith. He would be eligible for all consequential benefits including payment of back wages. The above directions should be complied with within a period of three months from the date of receipt of a certified copy of this order. No costs."

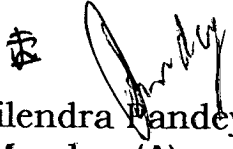
2. Against the orders of this Tribunal recorded in OA No.3264/2002 dated 02.06.2008, the respondents filed writ petition before the Hon'ble High Court of Delhi, which was dismissed with cost of Rs.5000/-. In this Contempt Petition, non-


compliance is complained against the directions reproduced above.

3. When the matter came up for hearing on 15.05.2009, Mr. R.N. Singh, counsel defending the respondents, stated that he had no instructions as to whether the directions have been complied with or not. He, therefore, sought adjournment to verify the position and the matter was adjourned for today.

4. Mr. R.N.Singh has handed over to us a photocopy of order dated 16.05.2009, which is taken on record. Perusal of the order aforesaid would clearly demonstrate that all that has been allowed to the applicant by way of directions contained in Tribunal's order dated 02.06.2008, as reproduced above, has been made available to him. He has been reinstated in service with immediate effect. Counsel for the respondents would, however, contend that it may be true that the applicant may not have received the financial benefits so far as per directions of this Tribunal, but since the order has been passed only just two days ago by holding an emergent meeting on Saturday, it will take some time for the respondents to calculate the arrears and to make over the same to the applicant. We are sanguine that the respondents will do the needful within 15 days from today.

5. In view of the observations made above, present Contempt Petition is closed.


(Shailendra Pandey)
Member (A)


(V.K. Bali)
Chairman