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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 272/2002
in
O.A. NO. 657/2002

This the 12th day of July, 2002.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Hira Lal S/O Kharkia,
Permanent Civilian Mazdoor (Group 'D'),
299 Coy., A.S.C. (Supply) Type 'B',
Gwalior,
Permanent Address :
Village Damodarpura,
Post : Veterinary College,
Mathura (UP).

... Applicant

(By Shri D.N.Sharma, Advocate)

-versus-

1. Lt. Gen. Krishna Pal,
Quarter Master General,
Quarter Master General's Branch,
Army Headquarters, DHQ Post Office,
New Delhi.
2. Lt. Col. A.K. Jha,
Commanding Officer,
299-Coy., Army Supply Corps (Supply),
Type 'B',
Gwalior-474006.


... Respondents

O R D E R (ORAL)

Hon'ble Shri Justice Ashok Agarwal, Chairman :

We have heard Shri D.N.Sharma who has appeared in support of the present contempt petition and we find that no case is made out to take action for contempt in the present proceedings.

2. Applicant by filing OA No.657/2002 had impugned an order of 20.2.2002 whereby the benefit of ACP scheme which had earlier been extended to him w.e.f. 9.8.1999 had been withdrawn and the amounts paid over to him were directed to be recovered by deduction from his pay dues



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w.e.f. 1.3.2002. By the order passed on 7.3.2002, the aforesaid order withdrawing the benefit of ACP scheme was quashed and set aside on the sole ground that the same had been issued without putting the applicant on notice and without affording him an opportunity of being heard, and as such, there had been a flagrant breach of principles of natural justice. By the order, liberty was granted to respondents, if they were so advised, to put the applicant on notice, afford him an opportunity of being heard and then pass a reasoned and speaking order in accordance with law.

3. In terms of the liberty granted, respondents have issued their show cause notice of 27.3.2002 (Annexure CP-3). Applicant has on 30.3.2002 (Annexure CP-5) submitted his representation against the same. No orders thereon have so far been passed.

4. It is the grievance of applicant that inaction on the part of respondents to pass orders on the aforesaid show cause notice amounts to contempt. A further grievance is made that the amounts which have been deducted have not been refunded to applicant.

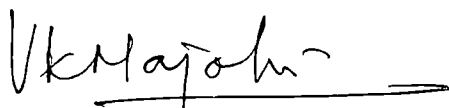
5. In our judgment, no case is made out for contempt. No directions have been issued to respondents to issue a show cause notice and to pass orders thereon within a time frame. All that has been granted is a liberty. In exercise of the liberty which has been granted, show cause notice has been ordered. Since no time frame has been laid down, this cannot be a matter of

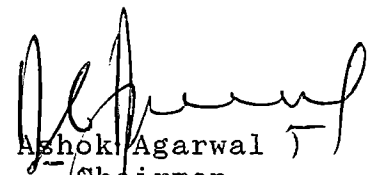
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contempt. Similarly, since there has been no direction to refund the amount so recovered, not refunding the amount would also not amount to contempt. If applicant is aggrieved by the aforesaid issues which have been raised herein, his remedy cannot lie in contempt proceedings. The same would lie elsewhere.

6. Present CP, in the circumstances, we find, is devoid of merit. the same is accordingly dismissed in limine.


(V. K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

/as/