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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 351/2002 in
MA 2800/2002
OA 937/2002

New Delhi this the 22nd day of October, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.A. Singh, Member (A)

1. Anand Prakash,
S/O Shri Mange Ram,
Village and PO Bankner,
Delhi.
2. Shri Kaptan Singh Khokhar,
S/O Shri Chand Ram,
R/O R-326; Gali No.10,
Swatantra Nagar, Narela,
Delhi-40
3. Shri Ajit Singh,
S/O Shri Rai Singh,
R/O Village and PO Naya Bans,
Delhi.

..Petitioners

(By Advocate Shri H.S.Dahiya)

VERSUS

1. Smt. Shailja Chandra,
Chief Secretary,
Govt. of NCT of Delhi,
I.G. Stadium, Delhi Secretariat
I.P. Extension, Delhi.
2. Shri Rajinder Singh,
Director,
Directorate of Education,
Old Secretariat, Delhi.
3. Shri Sat Pal,
Deputy Director (Sports),
Directorate of Education,
Chatrshala Stadium, Model Town,
Delhi.

..Respondents

(By Advocate Mrs. Avnish Ahlawat)

O R D E R (ORAL)

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

We have heard learned counsel for the petitioners
at some length and also the replies of Mrs. Avnish
Ahlawat, learned counsel for the respondents.

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(TQ)

2. Petitioners, 3 in number, have urged the allegations in CP 351/2002 with respect to Tribunal's order dated 11.4.2002 in OA 937/2002 that the orders have been deliberately and wilfully disobeyed by the respondents. He has submitted that the respondents have failed to pay the petitioners salary/allowances, as alleged in Para 5. He has also referred to the subsequent order of the Tribunal dated 4.9.2002 in OA 937/2002 in which the aforesaid order was issued, while issuing notice to the respondents in OA. He has repeatedly submitted that it was only when the present CP was filed on 20.8.2002 that the respondents have submitted in their replies that the petitioners have filed false attendance sheets.

3. Mrs. Avnish Ahlawat, learned counsel for the respondents submits that only two of the petitioners i.e. S/Shri Anand Prakash and Shri Kaptan Singh Khokhar have filed attendance sheets. Learned counsel has submitted that in respect of petitioner No.3, no attendance sheet has been filed. The main contention of the learned counsel for the petitioners is that the respondents have failed to grant the allowance due to the petitioners for the period they have worked as Coaches. This is stoutly disputed by the learned counsel for the respondents who have in their replies stated, inter-alia, that for the period the applicants had worked they have paid all the due amounts. Thereafter, according to them, they are not entitled to any salary as their services were disengaged from August, 2001. Learned counsel for the respondents has drawn our attention to the chart applicable to petitioners (Ann.3 I, II and III) filed to additional affidavit on 27.8.2003.

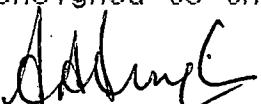
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4. We have considered ^{the} somewhat lengthy arguments of the learned counsel for the petitioners who had referred to various orders of the Tribunal in respect of CP 351/2002. He has also submitted that the respondents should not be allowed to file documents regarding the attendance sheets of the applicants/petitioners of their duties, which have been brought on record by them without giving them an opportunity to explain the same and so on.

5. After careful consideration of the relevant facts and circumstances of the case, we note that there are several disputes of facts between the parties. Considering the fact that CP 351/2002 which was filed on 20.8.2002 is with regard to the notice issued by the Tribunal on 11.4.2002 in OA 937/2002 and also taking into account the various documents on record, we are not in a position to come to the conclusion that the respondents have wilfully or contumaciously disobeyed the Tribunal's orders to justify punishing the alleged contemners under Section 17 of the Administrative Tribunals Act, 1985 read with the provisions of Section 12 of the Contempt of Courts Act, 1971. The judgements of the Hon'ble Supreme Court in J.S.Parihar Vs. Ganpat Duggar (1996(2) SCC 291, Indian Airport Employees Union Vs. Ranjan Chatterjee (2000(1) SLJ 265) and Anil Ratan Sarkar and Ors Vs. Hirak Ghosh and Ors. (2002(4)SCC 21) are fully applicable to the facts of this case. The Hon'ble Supreme Court has repeatedly stated that where two interpretations are possible and the action of the

alleged contemnor pertains to one such interpretation, the act or acts cannot be ascribed to be otherwise contumacious in nature or it is wilful disobedience of the Tribunal's orders. No doubt, the Tribunal/Courts must see that the directions are fully complied with in all respects but at the same time the Hon'ble Supreme Court has also stated that the Courts should not take a hypersensitive or hyper-technical view of the matter. The contention of the learned counsel for the petitioners raises several disputed facts, as mentioned above, which are not appropriate for adjudication in the present Contempt Petition. It is also relevant to note that we have considered this case from all angles and we are of the considered view that there is no justification to continue with ^{the} Contempt Petition.

6. In the result, for the reasons given above, Contempt Petition 351/2002 is dismissed. Notices issued to the alleged contemners are discharged. File to be consigned to the record room.


(S.A. Singh)

Member (A)

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(Smt. Lakshmi Swaminathan)

Vice Chairman (J)