CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 172/2002
in
OA 3099/2001

New Delhi this the 26th day of July, 2002

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

Vimla Devi,
W/o late NC (E) Bhim Sen Rajoria,
Vill & Post Off - Anupshahar,
Mohla - Dilli Gate,
Distt. Bulandshahr - 202390.   ...   Applicant.

(By Advocate Shri V.S. Tomar)

Versus

1.   Air Marshal N. Menon,
      Air Officer Incharge (Personnel),
      Air HQs (Vayu Bhawan),
      Rafi Marg, New Delhi-110 011.

2.   CGO Amar Singh,
      C/o Senior Personnel Staff Officer,
      Hqs, Central Air Command, IAF,
      Bamrauli, Allahabad.   ...   Respondents.

(By Advocate Shri M.K. Bhardwaj, proxy for Shri A.K.
Bhardwaj)

O R D E R

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

         We have heard both the learned counsel and perused
the contempt petition.

         2.   Learned counsel for the petitioner has alleged
that the respondents have not complied with Tribunal's
order dated 13.11.2001 in OA 3099/2001.   The operative
portion of the Tribunal's order reads as under:

         "I have considered the matter in the light of the
         submissions made by learned counsel and the
         aforestated facts and circumstances and find that
         the ends of justice will be duly met in the
         present OA by directing the respondent-authority,
         namely, Air Officer Incharge (Personnel). Air
         Headquarters, Vayu Bhawan, New Delhi (Respondent
         No. 1 herein) to consider the aforesaid
         representation/legal notice alongwith all the

other representations filed by the applicant expeditiously and pass a reasoned and speaking order latest by 31st December, 2001. While considering the applicant's claim, the aforesaid respondent-authority will also take into account all that has been stated by the applicant in the present OA, a copy of which will be supplied to him."

3. In pursuance of the aforesaid order of the Tribunal, the respondents have passed the order dated 22.2.2002. In paragraph 4 of this letter, the respondents have stated, inter alia, that certain documents which were called for from the petitioner have not been furnished by her to HQ, CAC for resubmission of her case along with the relevant documents/information to the appropriate authority to take a decision in the matter. Shri V.S. Tomar, learned counsel for the petitioner, has very vehemently submitted that all relevant documents have already been submitted by the petitioner and his contention is that the respondents have failed to carry out the directions of the Tribunal. A mere perusal of the letter dated 22.2.2002 shows that they have taken certain action in pursuance of the aforesaid order of the Tribunal which cannot be faulted. This also shows that they are not guilty of any wilful or contumacious disobedience of the Tribunal's directions. For proper consideration of the petitioner's claim, they have asked her to submit further documents/information and we see no reason why this should not be done by her. The question of consideration of petitioner's claim for compassionate appointment on the death of her husband as a Safaiwala/Non-Combatant on 30.9.1997 has to be considered by the respondents in accordance with the relevant law, rules and Scheme/instructions. The respondents have also

stated that after repeated correspondence with the petitioner requesting her to submit the above mentioned documents/information, she has furnished some of them on which they require further information as indicated in their reply.

4.   In view of what has been stated above, we do not find that the respondents have in any way disobeyed the Tribunal's order warranting action to be taken against the alleged contemners and further proceedings to be taken under the provisions of the Contempt of Courts Act, 1971 read with Section 17 of the Administrative Tribunals Act, 1985. In the circumstances of the case, CP 172/2002 is dismissed. Notices to the alleged contemners are discharged.

(V.K. Majotra)
Member(A)

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

`SRD'