

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. No.253 OF 2003
IN
O.A. No.3080 OF 2001

8

New Delhi, this the 4th day, of November, 2003

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER
HON'BLE SHRI BHARAT BHUSHAN, JUDICIAL MEMBER

Sunil Chandra Ray
s/o Late S.N. Ray,
R/o H.No.F-17/12,
Sector-8, Rohini,
Delhi-85.

....Petitioner

(By Advocate : Shri Arun Bhardwaj)

Versus

1. Shri Arun Bhatnagar,
Secretary, Ministry of Consumers Affairs,
Food and Public Distribution,
Department of Food and Public Distribution,
Krishi Bhawan, New Delhi.
2. Shri R.P. Singal,
Chief Director (Sugar),
Directorate of Sugar,
Krishi Bhawan, New Delhi.

.....Respondents

(By Advocate : Shri N.K. Aggarwal)

ORDER (ORAL)

SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER :-

This Contempt Petition has been filed by the petitioner alleging willful disobedience of the order of this Tribunal dated 10.7.2002 in OA 3080/2001. This Tribunal by order dated 10.7.2002 had observed that the OA has become infructuous in view of the decision of the respondents to withdraw the impugned order dated 26.9.2001 by their order dated 9.7.2002. When this contempt petition was taken up for hearing, the order dated 26.8.2003 was passed on the request of the applicant's counsel that the respondents have

Subramaniam

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withdrawn the order reverting the petitioner to the post of Deputy Director but the order has not been withdrawn in complete as petitioner has not been made payment of salary for the post of Director (ST). The respondents have filed the reply in which it has been stated that the matter was reviewed and the tenure of the petitioner was extended on ad hoc basis w.e.f. 9.9.1998 to 9.6.2003. It has further been submitted by the respondents that they have made the payment of arrears by cheque dated 1.10.2003 amounting to Rs.45,845/-. Learned counsel of the respondents orally submitted that there has been some delay for which he tenders, regret and apology. However, an amount of Rs.45845/- has been given to the petitioner.

2. Though the petitioner has not filed any rejoinder to this reply but it was stressed by the learned counsel of the petitioner that there is no complete compliance of the orders inasmuch as even in the Annexure R/2 the petitioner has been described as "DD (ST)". He also invited attention to the fact that there has been no statement of details with regard to calculation of Rs.45,845/- in the form of due and drawn statement. Neither the respondents have expressed any regrets for the delay nor have they made the payment with interest, which was otherwise due to the petitioner. Therefore, the respondents should be punished for contempt of this Court.

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3. We have heard the learned counsel of the parties and also perused the materials available on record.

4. The order dated 10.7.2002 in OA 3080/2001 was to the effect that permission to withdraw the OA was allowed and the OA was treated as disposed of being infructuous. Now the only issue arises whether there is any willful disobedience of the order of this Tribunal and whether the conduct of the respondents is contumacious to attract the contempt proceedings. This is an admitted fact that the order dated 26.9.2001 has ultimately been withdrawn by order dated 9.7.2002 by the respondents as observed in the order of this Tribunal dated 10.7.2002 passed in OA No.3080/2001. This is also an admitted position that the respondents have made payment on 1.10.2003 in pursuance of their decision to withdraw the earlier order dated 26.9.2001. Therefore, we are of the view that the order of this Tribunal dated 10.7.2002 has been substantially complied with. We also accepted the regrets and apology as tendered by the learned counsel on behalf of the respondents for the delay. However, on the facts on this case, the petitioner will be at liberty to move any representation to the respondents giving their own calculation as to how much is entitled amount, as per his version alongwith due interest, if any, as per the petitioner. If such representation is made by the petitioner, the respondents are directed to dispose of the same by

C. B. Singh

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passing a speaking order within a period of one month from the date of receipt of a representation from the petitioner under intimation to the petitioner.

5. In view of the observations in the preceding paragraph, this Contempt Petition is dismissed and notices issued to the respondents are discharged.



(BHARAT BHUSHAN)
JUDICIAL MEMBER



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

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