

Central Administrative Tribunal
Principal Bench

C.P.No.457/2002 in
O.A.No.2687/2001

Hon'ble Shri Govindan S. Tampi, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 25th day of October, 2002

Dr. Atul Kumar Gupta
s/o Late Shri T.V.Gupta
Senior Scientific Assistant
Homoeopathic Pharmacopoeia Laboratory
Under M/O Health & Family Welfare
New Delhi
r/o 37-Nai Basti, Ghaziabad(UP). . . Petitioner

(By Advocate: Sh. M.L.Sharma)

Vs.

Smt. Malti Sinha
Secretary (ISM&H)
Department of ISM & Homoeopathy
Ministry of Health & Family Welfare
Red Cross Building
1-Red Cross Road
New Delhi. . . Respondent

O R D E R(Oral)

By Shri Govindan S. Tampi, M(A):

Heard the learned counsel.

2. While disposing of OA 2687/2001 on 2.5.2002, the Tribunal had directed the respondents to treat the case of the applicant as an anomaly by constituting a committee having officers of the level of Joint Secretary and above from the Ministry of Finance, Ministry of Personnel and Ministry of Health and Family Welfare to consider applicant's representation along with the OA as a supplementary representation and take a reasoned decision within a period of three months.

3. It is found from the letter dated 26/31.7.2002 (Annexure-CP3), filed by the Contempt Petitioner that in terms of directions of the Tribunal

respondents had constituted a committee having officers of the level of Joint Secretary and above from the Ministry of Finance, Ministry of Personnel and Ministry of Health and Family Welfare to examine the representation of the applicant and the Committee has decided the matter.

4. Learned counsel for petitioner states that he is not satisfied with the decision and he has been discriminately decided. We do not agree with as it has not been brought to our notice that any wilful or deliberate or contumacious disobedience has taken place in the administrative Ministry of Health and Family Welfare. As they have fully complied the directions given by this Tribunal, no case for contempt action has been made out. If the applicant has any grievance surviving against the order dated 26/31.7.2002, passed by the respondents, it will be a fresh cause of action, he will have to challenge it on the original side, in accordance with law.

5. The Contempt Petition is accordingly dismissed with liberty to the petitioner to seek remedy for grievance, if any, surviving in accordance with law.

S. Raju

(Shanker Raju)

Member(J)

(Govindan S. Tambram)

Member(A)

/rao/