

Central Administrative Tribunal
Principal Bench
CP No. 609/2002
OA No. 1353/2002

(12)

New Delhi, this the 15th day of July, 2002

Hon'ble Shri M.P.Singh, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Shri T. Sagar
S/o Late Shri Jagan Nath
R/o A-4C/198-A, Janak Puri
New Delhi-110058.

... Applicant

(By Shri Awhwani Bhardwaj, Advocate)

Versus

Dr. Punjab Singh
Director General
Indian Council of Agriculture Research,
Room No. 105, Krishi Bhavan
New Delhi-110001.

... Respondents

(By Shri Shanker Anand, Advocate)

ORDER(Oral)

By Shri Shanker Raju, Member (J)

Heard the parties.

2. Applicant's OA 1353/2002 was disposed of by an order dated 28.5.2001 directing the respondents to decide the revision petition of the applicant within two months by a detailed, speaking and reasoned order. Thereafter, the applicant was given liberty to assail the order before this Tribunal.

3. Though the copy of the order of the court was served upon the respondents on 11.6.2002, the contention of the learned counsel is that the revision petition has not been finally decided by the respondents. By Annexure R-I attached with the reply to the contempt, the revisional authority by an order dated 10.2.2002 on certain fresh issues which have not been raised before appellate authority remitted the case back to the disciplinary authority and given a period of 3 months to submit his report and

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thereafter to take appropriate action in the matter. By referring to the aforesaid direction it is contended that it is not open for the revisional authority to remit back the case to the disciplinary authority under Rule 29(i)(c) of the CCS(CCA) Rule, 1965.

4. It is further stated by Shri Bhardwaj that whereas the time accorded to the respondents to comply with the directions was two months but they had taken more than a year to pass an incomplete order which is contumacious and wilful disobedience of the direction of this court and as such respondents are liable to be held guilty of the contempt.

5. At the outset, alleged contender has tendered an unconditional, unqualified apology for the delay in passing the revisional order which according to them was neither intentional nor wilful.

6. It is further stated that the Tribunal has directed the revisional authority to decide the applicant's petition within two months by passing a detailed and speaking order. In compliance there in the revision petition certain new grounds have come up which have not been taken before the appellate authority the matter has been remitted back, to comment on these fresh pleas of the applicant, and for this 3 months time has been given. Final decision in the revision petition shall be taken expeditiously on receipt of the report by the disciplinary authority. This is according to the applicant is in accordance with CCS(CCA) Rule.

7. We have carefully considered the rival contention of the parties. In view of the decision of J.S. Parihar vs. Ganpat Duggar & others JT 1996(9)SC 611 and in Indian Airport Employees Union vs. Ranjan Chatterjee, 1999

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(2) SCC/537 if the contempt is not wilful and some contentious, issue is raised having a new cause of action the same can not be gone into a contempt proceedings.

8. If one has regard to these decisions, we do not find any wilful disobedience on the part of the respondents. The matter has been remitted to the disciplinary authority for clarification of new pleas. CP is accordingly dismissed. Notices are discharged. However, we note that the respondents, have already taken a long time to take a final decision in the revision petition, they may take such decision expeditiously not more than within a period of one month from the date of receipt of a copy of this order. However, this will not preclude the applicant to assail the order, if so advised, in accordance with law.

S. Raju

(Shanker Raju)
Member (J)



(M.P. Singh)
Member (A)

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