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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH.

NEW DELHI, THIS THE 20<sup>th</sup> DAY OF AUGUST, 1999.

CCP 183/99  
IN  
O.A. NO.669/99.

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN  
HON'BLE MR. N. SAHU, MEMBER (A)

Mahesh Chander  
(D 1/481)  
S/o late Sh. Harish Chander  
R/o H.No.4/IV, PS Ashok Vihar,  
New Delhi.

.....APPLICANT

(BY ADVOCATE SHRI SHYAM BABU)

vs.

1. Sh. Omesh Saigal  
Chief Secretary,  
Govt. of NCT Delhi  
5, Sham Nath Marg, Delhi.

2. Sh. V.N. Singh,  
Commissioner of Police  
Police Headquarter,  
IP Estate, New Delhi.

3. Sh. B.S. Brar  
Joint Commissioner of Police  
(Administration), I.P. Estate,  
New Delhi.

4. Sh. Kamal Pande,  
Secretary,  
Ministry of Home Affairs,  
Govt. of India, North Block,  
New Delhi.

.....RESPONDENTS

(SHRI BHASKAR BHARDWAJ FOR SH. ARUN BHARDWAJ  
AND SHRI R.P. AGGARWAL, ADVOCATES FOR  
RESPONDENTS)

ORDER

JUSTICE K.M. AGARWAL:

This CCP was filed on 25.6.1999 for the alleged non-compliance with the interim directions made on 23.3.1999 and the ultimate directions made on 21.5.1999 in OA No.669/99. The directions were as follows:

Interim directions

"Also issue a short notice on the question of interim relief returnable on 6.4.99. Till we as an interim measure subject to the final outcome

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of the OA the respondents are directed to get all the formalities done of the applicant completed except those which have already been fulfilled by the applicant for deployment for police task force."

Ultimate directions

- "i). The respondents shall consider the applicant's case for deployment to UN Police Task Force in Bosnia/Herzegovina with the batch scheduled to leave in June/July 1999.
- "ii). The respondents shall also provide necessary cledarnace to the applicant forthwith enabling him to take up the assignment for Bosnia/Herzegovina, if considered favourably in terms of our order at (i) aforementioned.
- "iii). Follow up actions in respect of our orders aforesaid shall be complied forthwith."

2. It appears that the Police Division of Ministry of Home Affairs, inter alia, deals with deployment of Police Force in UN Peace Keeping Operations through the Ministry of External Affairs. The Ministry of Home Affairs could not sponsor the name of the applicant to the Ministry of External Affairs for his deployment to the UN Mission in Bosnia for the batches going in July 1999 because it had not received the nomination of the applicant from Delhi Police. The orders of the Tribunal were also not received in time by the Ministry. The reply filed on behalf of the Delhi Police is also such that on that basis it cannot be held that the first three respondents deliberately violated the directions of the Tribunal. During the course of arguments also, the learned counsel for the applicant offered to withdraw the Contempt Petition if an undertaking was given by the respondents to deploy the applicant in the next batch of Police officers for deployment in UN Peace Keeping Operations. However, the counsel for the respondents could give no such undertaking to deploy the applicant, but could give assurance for consideration of his name as and when

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necessity arose for sending further batch of Police officers in UN Peace Keeping Operations. The learned counsel for the applicant was not satisfied with such simple assurance.

3. After considering the said facts, we are of the view that no case of deliberate disobedience of any order or direction of the Tribunal has been made out against any of the respondents for punishment under the provisions of the Contempt of Courts Act. Further in view of the provisions of Section 13 of the Contempt of Courts Act, 1971, we are of the view that the alleged contempt is not of such a nature that may be said to be substantially interfering, or tending substantially to interfere, with the due course of justice and, therefore, no case is made out for punishing any of the respondents for any contempt of courts.

4. For the foregoing reasons, we direct these contempt proceedings to be dropped. Rule nisi shall stand discharged.

*Km*  
(K.M. AGARWAL)  
CHAIRMAN

*N. Sahu*  
(N. SAHU)  
MEMBER (A)