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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 194/2001 in
OA 2747/1999

New Delhi this the 28th day of February, 2003

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri C.S.Chadha, Member (A)

Smt.Sheela Rani,
Wife of Sh.Ashwani Kumar,
Enquiry Clerk, 2 U Sub-Divn.,
U Division, C.P.W.D.,CGO
Complex, New Delhi.

..Petitioner

(By Advocate Shri S.M.Ratanpaul)

VERSUS

Shri J.N.Bhavani Prasad
Director General of Works,
Central P.W.D., Nirman Bhawan,
New Delhi.

..Respondent

(By Advocate Shri D.S.Mahendru)

O R D E R (ORAL)

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

Departmental representative, Shri Satyajit Mishra, Deputy Director (Admn.) is also present in pursuance of our previous order dated 27.2.2003. Learned counsel for the respondent has submitted a copy of the letter dated 23.1.2003, in connection with the mistakes occurring in Paragraph 4 of the respondents OM dated 14.1.2003 which is annexed to the additional affidavit filed by them on 17.1.2003. Both learned counsel and the Departmental representative, Shri Satyajit Mishra, Deputy Director (Admn.) have tendered their apologies for the careless manner in which the affidavit had been prepared but have submitted that on discovery of the mistakes they have taken steps to correct the wrong statements. Departmental representative, Shri Satyajit Mishra, DD(A)

has also submitted that in future he will be more vigilant in litigation matters.

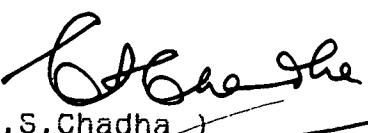
2. Noting the above submissions of the learned counsel for the respondents and Departmental representative, we consider it appropriate to drop the CP with regard to the observations made in our order dated 27.2.2003 at this stage. We hope that such careless mistakes are avoided in future.

3. We have also heard Shri S.M.Ratanpaul, learned counsel for the petitioner in CP 194/2001, in detail, with regard to Tribunal's order dated 13.10.2002. We have again perused the respondents' OM dated 14.1.2003 with regard to their actions for implementation of these orders. Learned counsel for the petitioner has vehemently submitted that the contention of the respondents is nothing but a lie as they had deliberately tried to flout the Tribunal's directions because according to him, the orders can only mean that the applicant has to be regularised in service from the date she joined on ad hoc basis i.e. 17.11.1982. We are unable to agree with this contention, having regard to the orders of the Tribunal referred to above, which was a direction to the respondents to consider/reconsider the applicant's case for grant of regularisation from 17.11.1982 when she joined, which it cannot be held that they have not done. It may be another case that the petitioner may not be satisfied with the reasoning given by the respondents but in CP we are unable to come to the conclusion that there has been any wilful or contumacious disobedience of the Tribunal's order warranting / further action to be taken against the

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alleged contemnor/respondent under the provisions of the Contempt of Courts Act, 1971 read with Section 17 of the Administrative Tribunals Act, 1985. We are also aware of the judgement of the Hon'ble Supreme Court in J.S.Parihar Vs. Ganpat Duggar and Ors (JT 1996 (9) 8C 611).

3. In the result, for the reasons given above, we find no merit in this CP. The same is accordingly dismissed. Notice issued to the alleged contemnor is discharged. However, in the circumstances of the case, liberty is granted, as advised, in accordance with law.


(C.S. Chadha)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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