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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P. No. 239/99 in O.A. No. 1334/99

New Delhi this the 25<sup>th</sup> day of JULY, 2000

HON'BLE SH. S.R. ADIGE, VICE CHAIRMAN(A)  
HON'BLE SH. KULDIP SINGH, MEMBER(J)

Narain Singh

....Applicant

(BY: Advocate Sh. K.S. Bindra)

Versus

1. Sh. Omesh Saigal,  
Chief Secretary to the  
Govt. of NCT of Delhi,  
5, Sham Nath Marg,  
Delhi-110054
2. Sh. S. Malaichami,  
Secretary  
Govt. of NCT of Delhi,  
5, Sham Nath Marg,  
Delhi-110054
3. Sh. N. Diwakar,  
The Director,  
Department of Social Welfare,  
Govt. of NCT of Delhi,  
5, Canning Lane,  
Delhi-54

....Respondents

(BY: Advocate Ms. Neelam Singh)

ORDER

Mr. S.R. Adige, VC(A):

Heard both sides on C.P. No. 239/99.

2. Applicant had filed OA No. 1334/99 impugning respondents' order dated 9.3.99 placing him under suspension.

3. That OA came up for hearing on 4.6.99 on which date applicant's counsel invited our attention to a Press Clipping dated 20.3.99 which had appeared in the Hindustan Times which stated that the Chief Secretary, Govt. of NCT of Delhi had ordered the revocation of applicant's suspension. The Bench was also informed by applicant's counsel that applicant's representation dated 8.4.99 had not been disposed of by respondents.

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4. Accordingly after hearing applicant's counsel, in the absence of respondents, the OA was disposed of on 4.6.99 with an ex parte order directing respondents that if the contents of the Newspaper clipping were accurate, they should issue appropriate consequential order accordingly, and if not accurate they should dispose of applicant's representation dated 8.4.99 by a detailed speaking and reasoned order in accordance with rules and instructions within 6 weeks from the date of receipt of a copy of this order.

5. Pursuant to the aforesaid order dated 4.6.99, respondents have issued order dated 6.10.99 a copy of which is taken on record.

6. Meanwhile applicant had filed this CP on 24.8.99 alleging contumacious non-compliance of the Tribunal's order dated 4.6.99.

7. Now that respondents have issued order dated 6.10.99 disposing of applicant's representation dated 8.4.99 by a speaking order, it cannot be said that they have not complied with the Tribunal's order dated 4.6.99, although no doubt the compliance has been effected with some delay which should have been avoided. However, delay alone is not sufficient ground to initiate contempt proceedings against respondents.

8. In so far as the correctness of the contents of respondents' order dated 8.4.99 is concerned, that cannot be the subject matter of contempt action against him. In this connection, the Hon'ble Supreme Court's ruling in J.S. Parihar Vs. G. Duggar & Ors. JT 1996(9) SC 608 is extremely relevant. Relevant extracts of which are given below.

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"Once there is an order passed by the Govt on the basis of the directions issued by the Court, there arises a fresh cause of action to seek redress in an appropriate forum. The preparation of the seniority list may be wrong or may be right or may or may not be in conformity with the directions. But that would be a fresh cause of action. (and) cannot be considered wilful violation of the order."

9. Applying the ratio of the aforesaid extracts to the facts and circumstances of the present case, it is clear that no cause for initiating contempt proceedings against respondents arises.

10. C.P. therefore dismissed. Notices are discharged.

( KULDIP SINGH )  
MEMBER (J)

( S.R. ADIGE )  
VICE CHAIRMAN (A)

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