

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P.No.69/2001

IN

OA No.1293/99

(35)

New Delhi: this the 9th day of AUGUST, 2001

HON'BLE MR.S.R.ADIQE VICE CHAIRMAN(A).

HON'BLE DR.A.VEDAVALLI MEMBER(J)

G.Chandrasekar,
T-492/2, E-II(Ground Floor),
Baljeet Nagar,
New Delhi-8

...Applicant.

(by Advocate: Shri Suman Doval)

Versus

1. Dr. K.L.Jain,
through

Dr. V.K.Gupta,

Director,
National Institute of Science Communication,

Dr.K.S.Krishnan Marg,
New Delhi-12

2. Dr. V.K.Gupta,
Director,

National Institute of Science Communication,

Dr. K.S.Krishnan Marg,
New Delhi-12

....Respondents.

(By Advocate: Shri M.Chatterjee)

ORDER

S.R.Adiqe, VC(A):

Heard both sides on C.P.No.69/2001 alleging
contumacious non-compliance of the CAT PB order dated
28.11.2000 in OA No.1293/99.

2. In that OA applicant had sought a direction
to allow him inspection and to take photocopies of
certain documents listed in his letter (Annexure-A/7
of the OA) in regard to a disciplinary enquiry he was
facing.

3. That OA was disposed of by order dated 28.11.2000
with a direction to respondents to call upon the Enquiry
Officer to consider applicant's prayer for supply/access

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to each of the documents in question in the light of the instructions contained in Rule 14(22) CCS(CCA) Rules and in case he considered any document as not relevant to the case record brief reason for coming to such conclusion. This exercise was to have been completed as expeditiously as possible and till then respondents were called upon not to compel applicant to participate in the proceedings.

4. Pursuant to the above directions, we are informed that out of the 85 documents in respect of which applicant had sought supply/access, the Enquiry Officer has allowed the prayer in respect of 14, out of which 3 are available for supply/access.

5. Applicant contends that the balance documents are very relevant for his defence in the DE, and despite being available, are deliberately not being supplied to him, and/or he is being denied access to the same, which constitutes contempt of the Tribunal's order dated 28.11.2000, which had directed respondents to consider applicant's prayer in the light of Rule 14 (22) CCS(CCA) Rules. Reliance in this connection has been placed on T. Sudhakar Prasad Vs. Govt. of AP & Ors. JT 2001(1) SC 204. A perusal of that judgment reveals that the Hon'ble Supreme Court has held therein that contempt proceedings cannot be used merely for executing court-decrees, and it is wilful defiance which is treated to be contemptuous, in the background of the Tribunal's order dated 28.11.2000, directing respondents to call upon the Enquiry Officer to consider applicant's request for supply of /access to certain documents which he considers necessary for his defence

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in the DE. In the light of Rule 14(22) CCS(CCA) Rules, the Enquiry Officer concludes that many of the documents asked for are either not available, or are not relevant, the same cannot be construed to be wilful defiance of the Tribunal's order.

6. We are supported in our view by the Hon'ble Supreme Court's ruling in J.S.Parihar Vs. G.Duggar & Ors. JT 1996(9) SC 608.

7. Under the circumstance the CP is dismissed, and notices discharged without prejudice to applicant to pursue such other remedies as are available to him in accordance with law.

A.Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

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

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