

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 258/2000  
MA 1686/2001  
MA 1687/2001  
OA 521/1994

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New Delhi this the 1st day of February, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)  
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shekher Prasad, ACSO,  
AG/MPG (Civ.)  
Army Headquarters, New Delhi.

..Petitioner

(Present in person )

VERSUS

1. Shri T.R. Prasad,  
Secretary, Ministry of Defence,  
New Delhi.

2. Shri Sudhir Dutta,  
Addl. Secretary (D),  
Ministry of Defence, South Block,  
New Delhi.

3. Shri Falguni Rajkumar  
Joint Secretary (Trg.) and CAO  
CII Hutments Dalhousie Road,  
New Delhi.

4. Shri A. Chandra Shekhar,  
O/O Chief Administrative Officer,  
Ministry of Defence, C-II  
Hutments, Dalhousie Road, New Delhi

..Respondents

( By Advocate Shri S.M. Arif )

O R D E R (ORAL)

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

We have heard the petitioner and Shri S.M. Arif, learned  
counsel for the respondents in CP 258/2000.

2. We note the statement given in Paragraph 3 of the  
Tribunal's order dated 18.10.2001. The petitioner who is  
present in person prays for another adjournment to enable

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him to be represented through his counsel. His main contention on the merits of the case is that in terms of the order dated 26.2.2001 the respondents have merely tried to implement the Tribunal's order dated 7.9.1999 to avoid ~~for~~ contempt but they have not implemented it in accordance with Rules. We are unable to agree with this contention. It is seen from the relevant documents on record which have been brought to our notice by the learned counsel for the respondents, including the order dated 26.2.2001, that the respondents have passed this order in compliance with the directions of the Tribunal's order dated 7.9.1999 in OA 521/1994. It is also relevant to note that the proceeding here is a contempt petition and the contention of the petitioner that we should look into the matter again on the merits, regarding implementation of the Tribunal's order dated 7.9.1999 with a view to give further directions to the respondents cannot be agreed to, having regard to the settled position in law. In a catena of judgements of the Hon'ble Supreme Court, for example, J.S.Parihar Vs.Ganpat Duggar and Ors.( JT 1996 (9)SC 611) and Indian Airports Employees Union Vs.Ranjan Chatterjee and Anr.( JT 1999(1)SC 213), the Apex Court has laid down the parameters for the Tribunal while exercising the power of contempt. As held in J.S.Parihar's case (supra),once the respondents have issued the seniority list revising the petitioner's position in that list with reference to the directions given by the Tribunal in the order dated 7.9.1999, the same is not open to review under ~~the~~ contempt proceedings. If the petitioner is still aggrieved by the list, that might be given a fresh

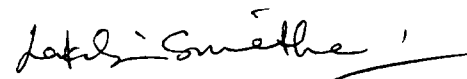
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cause of action to seek redressal in accordance with law. Petitioner has also brought to our attention the additional affidavit filed by him dated 31.1.2002 in which we find that the arguments are based on the merits of the case regarding availability of vacancies for the previous years, interpretation of the relevant rules and so on. Taking into account the settled position of law, we are satisfied that this is not a matter which can be reviewed in contempt proceedings.

3. In view of what has been stated above, we find no justification to continue with the contempt proceedings against the respondents under the provisions of the Contempt of Courts Act, 1971 read with Section 17 of the Administrative Tribunals Act, 1985 as there is no wilful or contumacious disobedience of the Tribunal's order. CP 258/2000 together with MA 1686/2001 and MA 1687/2001 are dismissed with liberty to the petitioner, if any grievance still survives to proceed further, in accordance with law, if so advised. Notices issued to the alleged contemnors are discharged. File be consigned to the record room.

  
( S.A.T. Rizvi )  
Member (A)

  
( Smt. Lakshmi Swaminathan )  
Vice Chairman (J)

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