

Central Administrative Tribunal
Principal Bench

CP 261/95

in

O.A. 2383/94

New Delhi this the 5th day of November, 1997

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Hon'ble Shri K. Muthukumar, Member(A).

Aquil Ahmed,
02/1, P.S. Model Town,
Delhi-110 009.

...Petitioner

None present.

Versus

Shri Nikhil Kumar,
The Commissioner of Police,
11, MSO Building,
Police Headquarters,
I.P. Estate,
Delhi.

...Respondent.

By Advocate Shri Surat Singh.

O R D E R (Oral)

Hon'ble Smt Lakshmi Swaminathan, Member(J).

None has appeared for the petitioner even though we had waited till 2.30 P.M. The case was listed on 24.10.1997 and we find from the cause list of 24.10.1997 that notice had been given to the parties that the case will be listed on 5.11.1997. In view of this, we have heard Shri Surat Singh, learned counsel for the respondents and have also perused the records.

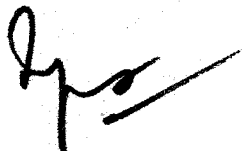
2. The Contempt Petition (CP 261/95) has been filed by the petitioner regarding non-implementation of the order dated 2.12.1994 in OA. 2383/94. In that order, the Tribunal had directed the Commissioner of Police i.e. Respondent 2 to consider supplying the requisite

documents asked for by the applicant in his letter dated 7.10.1988 which have been referred to in Para 1 of the judgement. Thereafter, it was stated that the applicant may file his reply to the show cause notice.

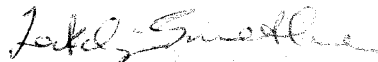
3. In the further order passed by the Tribunal dated 20.12.1996, it was noted that upon tallying the documents to be supplied, with the documents actually supplied, five out of the six documents had been supplied to the applicant. However, it was noted that in respect of one document, namely, the basis of 'mistake' that had been found in applicant's confirmation, the respondent's order dated 9.1.1995 was not explicit. In order to make good this defect in the supply of the documents, the respondents were directed to indicate in detail and clearly, by means of a separate letter, within the time frame specified therein, the basis of that 'mistake' as a result of which the applicant's date of confirmation was changed from 25.10.1975 to 11.3.1976 with further time being given to the applicant to file his reply to the show cause. In furtherance of this direction, the applicant had annexed Annexure-I to the additional affidavit which had been filed on 30.5.1997. Shri Surat Singh, learned counsel for the respondents, has submitted that this annexure has explained the 'mistake' which is in pursuance of the Tribunal's order dated 20.12.1996. Shri Surat Singh, learned counsel, has also submitted the copies of the seniority lists and promotion lists of the applicant and ASI Surender Dev on whose complaint the matter had been reviewed against which the applicant had filed O.A. 2383/94 (placed on record). The learned counsel has, therefore, submitted

that the necessary documents as directed by the Tribunal's order dated 2.12.1994 have now been furnished to the applicant and he has prayed that the contempt petition may be dismissed and the notice issued be discharged.

4. We have considered the pleadings in the light of the letter dated 8.1.1997 read with the copies of the relevant seniority lists and the orders of the Tribunal dated 2.12.1994 and 20.12.1996. We are satisfied that there is no contumacious ~~and~~ wilful disobedience of the Tribunal's order by the respondents, inasmuch as they have furnished the necessary documents as directed to the applicant to enable him to reply to the show cause notice. In the facts and circumstances of the case, therefore, this contempt petition is dismissed. Notice issued to the respondent is discharged. The file of the case be consigned to the record room.



(K. Muthukumar)
Member(A)



(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'