

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 310/99
OA 2155/1995

New Delhi, this the 21st day of September, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Sh. Govindan S. Tampi, Member (A)

Kanti Prasad
S/o Shri (late) Hardev Singh
R/o 242/2, Shiv Lok Puri
Kankarhera,
Meerut Cantt.

Last employed as :
Auditor,
O/O the C.D.A. (Army)
Meerut Cantt.

....Petitioner/Applicant
(By Advocate: Sh. N.S.Verma)

V E R S U S

1. Shri P.R. Sivasubramaniam,
Financial Advisor (D S)
Government of India
Ministry of Defence (Finance)
New Delhi.
2. Shri N.Gopalan,
Controller General of Defence Accounts,
West Block - V,
R.K.Puram,
New Delhi.
3. Smt. Bindu Agnihotri
CDA (Army)
Meerut Cantt.
4. Shri G.P.Mohanti
CDA (PD)
Meerut Cantt.

....Contemnners/Respondents.

(By Advocate : None)

O R D E R (ORAL)

By Hon'ble Mr. Justive V.Rajagopala Reddy, VC (J)

Heard the counsel for the petitioner. None appears for the respondents.

2. The only direction given in the order of the Tribunal is as under :-

" In the circumstances we allow the OA partly setting aside the order of the revising authority dated 15-11-1994 and remit the case to the revising authority

AN

(29)

for passing a fresh order in the context of the various findings and conclusions of the Judicial Magistrate. This will be done within a period of four months from the date of issue of this order.

It is the contention of the learned counsel for the petitioner that as the order of dismissal has been set aside, the petitioner should have been reinstated. In the counter affidavit it is stated that as the implementation of the judgment of the Tribunal took some more time, short extension of time by two more months was obtained, but before the MA was disposed of, the orders have been passed on 6-7-99, hence the MA was withdrawn. It was further stated as there was no direction for reinstatement of the applicant, it was not incumbent upon the respondents to reinstate him.

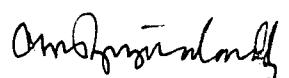
4. We have perused the order dated 6-7-99 passed by the revising authority, confirming the order of dismissal of the applicant. The only question in this CP is whether the respondents had committed the contempt of Court in not reinstating the petitioner. In view of the setting aside of the order of dismissal by the Tribunal the petitioner can rightly have a grievance for not being reinstated into service. But, unless it was shown that the respondents had not reinstated the applicant, violating the order of the Tribunal, no contempt proceedings can be taken. As we find, no clear direction to reinstate, It could not be said that the respondents had deliberately violated the

R.T.O.

(RGO)

order of the Tribunal. In the circumstances, we do not find any merit in the CP. CP is, therefore, dismissed. No costs.


(Govindan S. Tampi)
Member (A)


(V. Rajagopala Reddy)
Vice-Chairman (J)

/vikas/