

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

...

C.P.No.58 of 1996  
in  
O.A.No.1244 of 1995

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Dated New Delhi, this 12th day of July, 1996.

HON'BLE SHRI A. V. Haridasan, Vice Chairman(J)  
HON'BLE SHRI K. Muthukumar, Member(A)

R. K. Bhardwaj  
R/o E-31, Ground Floor,  
G. K. Enclave, G. K. Part-I,  
NEW DELHI-21

... Petitioner

By Advocate: Shri H. B. Mishra

versus

1. Shri P. K. Dave  
Lieutenant Governor of Delhi,  
Raj Niwas,  
DELHI.
2. Shri Madan Lal Khurana  
Former Chief Minister  
Government of NCT, Delhi,  
Sham Nath Marg,  
DELHI.
3. Shri Sahib Singh Verma,  
Chief Minister,  
Government of NCT, Delhi,  
Sham Nath Marg,  
DELHI.
4. Shri P. V. Jaya Krishnan, IAS  
Chief Secretary,  
Government of NCT, Delhi,  
DELHI.
5. Smt. Kiran Dhingra, IAS  
Commissioner-Cum-Secretary,  
Transport Department,  
Government of Delhi,  
5/9 Under Hill Road,  
DELHI.
6. Shri A. K. Chaturvedi  
Additional Director(Transport),  
Government of NCT, Delhi,  
5/9 Under Hill Road,  
DELHI.
7. Shri D. S. Pandit  
Joint Director(Vigilance)-cum-  
General Manager, ISBT,  
DELHI.

... Respondents

By Advocate: Shri Rajinder N. Pandita

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O R D E R (Oral)

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Shri A. V. Haridasan, VC(J)

This C.P. was filed on 13.3.1996 by the petitioner who is the applicant in O.A.No.1244/95. The said O.A. was disposed of by the order dated 23.1.1996 with the following directions:-

"7. In the light of this, we are of the considered view that the continued suspension of the applicant for such a long period without initiation of any disciplinary proceedings, does not seem justified. We accordingly direct the respondents to review the need for continuance of the suspension of the applicant, within 3 weeks from the date of communication of this order in default of which, the order of suspension shall stand revoked on the expiry of the above period and the applicant shall stand reinstated. It is further directed that if the respondents decide after such a review that the suspension should continue, then the respondents are directed to initiate disciplinary proceedings within 4 weeks from the date of such decision and the proceedings should also be completed within 3 months thereafter and in case the disciplinary proceedings are drawn up, the applicant shall also cooperate so as to enable the respondents to conclude the disciplinary proceedings within the aforesaid period and in case, the applicant does not cooperate in conclusion of the disciplinary proceedings, the proceedings may be concluded ex-parte."

Alleging that by not complying with the directions the respondents have showed defiance to

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the order of the Tribunal and stating that it is therefore necessary to take action against the respondents under the Contempt of Courts Act, this C.P. is filed.

2. Notices having been served on the respondents, the fifth respondent on behalf of the respondents has filed the reply affidavit. It has been sworn by the fifth respondent that with due respect and regard to the orders of the Tribunal, within the period stipulated in the order, a review of the suspension of the petitioner was undertaken; that the said order was communicated to the petitioner on 6.2.1996; that as the decision was not to revoke his suspension, a disciplinary proceedings against the petitioner was initiated and the chargesheet was issued by the Directorate of Vigilance; that the same was sent by registered post on 13.3.1996; that when the letter was not accepted, the chargesheet was sent again through registered post which was received back with remarks that the addressee was out of the station and that since the respondents have carried out the directions of the Tribunal, there is no need for taking any action against them under the Contempt of Courts Act. It has been prayed that even if there may be a few

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days delay in initiating the disciplinary proceedings, the delay not being intentional, no action under the Contempt of Courts Act may be taken against the respondents.

3. We have heard Shri H. B. Mishra, the learned counsel for the petitioner and Shri Rajinder N. Pandita, the learned counsel appearing for the respondents and have perused the materials available on record. At the outset, it should be said that the power to punish for contempt is invoked only in exceptional circumstances when the error or omission amounts to wilful defiance of the order of this Court. To arrive at a conclusion as to whether action or inaction on the part of the person bound by the order is intentional or not, a calculation on mathematical basis of the days and hours is not to be made. The Court or Tribunal would attempt to find out the intention of the person concerned by taking into account the circumstances - in this case, within the stipulated period of three weeks from the date of receipt of the order. The competent authority has reviewed the order of suspension of the petitioner. It is stated on behalf of the petitioner that there is nothing in the order to indicate that it was the competent authority who considered the matter. It is further

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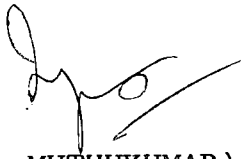
stated that there is no proper consideration. If the petitioner had any doubt about the correctness of the order, the course open for him is to challenge that order. The order says that review was undertaken and the order thereon had been communicated to the petitioner. Therefore, we are satisfied that the first direction has been complied with within the time, as directed.

4. Regarding the initiation of disciplinary proceedings, we find that the chargesheet had been issued by the Director of Vigilance on 12.3.1996 and that the same had been put in transi on 13.3.96. Going by a aritmatrical calculation of the number of days counting from 6.2.1996, four weeks would expire by 5.3.1996 while the disciplinary proceedings was initiated on 12.3.96 though the learned counsel for the petitioner would say that it was only on 27.3.1996. Be that as it may, we find that the respondents have initiated disciplinary proceedings without any inordinate delay. We do not find any intention in the minds of any of the respondents to defy the orders of the Tribunal.

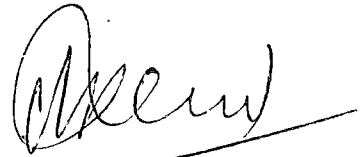
5. In the light of what is stated above, we do

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not consider it necessary or proper to take any action against the respondents under the Contempt of Courts Act. The C.P. is, therefore, dismissed. Notices issued to the respondents are discharged. No costs.



(K. MUTHUKUMAR)  
MEMBER (A)



(A.V. HARIDASAN)  
VICE CHAIRMAN

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