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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

CP.No.133 of 1996
in
OA.No.2246 of 1995

Dated New Delhi, this 28th day of August, 1996.

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

Moinuddin
S/o Late Shri Hamiduddin
R/o Sector No.VIII, Qtr.No.850
R. K. Puram
NEW DELHI.

... Petitioner

By Advocate: Shri S. K. Bisaria

versus

1. Shri T. V. Jayakrishnan
Chief Secretary
Government of N.C.T. of Delhi
5 Sham Nath Marg
DELHI.

2. Shri K. K. Bhasin
Director of Education
Government of N.C.T. of Delhi
Old Secretariat
DELHI.

... Respondents

By advocate: Shri Vijay Pandita
Also present: Shri S. C. Sareen, Joint
Director(Education), Govt. of N.C.T. of
Delhi.

O R D E R (Oral)

Smt. Lakshmi Swaminathan, M(J)

This CP has been filed by the petitioner alleging wilful default and non-compliance of the order of this Tribunal in OA.No.2246/95 dated 28.2.1996. The learned counsel for the petitioner submits that it was only on 23.8.1996 that the respondents had complied with the directions of the Tribunal which ought to have been complied

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within one month from the date of communication of the copy of the order.


2. In the above circumstances, the learned counsel for the petitioner submits that appropriate directions may be given to initiate contempt proceedings against the respondents for wilful disobedience of the order of the Tribunal.


3. The respondents have filed their reply stating that they have complied with the orders of the Tribunal and have also tendered unconditional apology. The learned counsel for the respondents and the departmental representative who is present in the court, have again submitted their apology for the delay in complying with the orders of the Tribunal. However, they submit that since a policy decision had to be taken whether the judgement is to be complied with or, further appeal had to be preferred, it did take some time although on receipt of the order of the Tribunal on 18.3.1996 they have immediately started taking action on it and there is, therefore, no intentional delay.

4. We have considered the matter. It is a settled position of law in a catena of judgements of the Hon'ble Supreme Court that in a Contempt

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Petition, the only person concerned in the matter are the court and the alleged contemner. In this case, we are satisfied that there has been no wilful default or disobedience of the Tribunal's order so as to continue with the contempt proceedings against the respondents or their punishment under the Contempt of Courts Act, 1971 read with Section 17 of the Administrative Tribunals Act, 1985. In the circumstances, the apology for the delay is also accepted. The Contempt Petition is, therefore, dismissed. Notices issued to the respondents are discharged.


(K. Muthukumar)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

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