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Central Administrative Tribunal
Principal Bench

C.P.No.126/98 in
M.A.No.746/98
O.A.No.453/97
R.A.No.64/98

Hon'ble Mr. Justice K.M.Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 28th day of April, 1998

Shri Babu Lal
Joint Director
Ministry of Health & Family Welfare
Nirman Bhawan
New Delhi:

... Applicant

(By Shri U.Srivastava, Advocate)

Vs.

1. Shri M.D.Asthana
Secretary
Ministry of Planning & Programme
Implementation
Sardar Patel Bhawan
Parliament Street
New Delhi - 1.

2. Shri Y.N.Chaturvedi
Secretary
Department of Family Welfare
Nirman Bhawan
New Delhi.

... Respondents

(By Shri P.H.Ramchandani, Advocate)

O R D E R (Oral)

Hon'ble Mr. Justice K.M.Agarwal, Chairman

OA No.453/97 was finally disposed of by this Tribunal on 4.3.1998. Thereafter, RA No.64/98 was filed by the applicant for review of the ultimate order passed in OA No.453/97. In RA 64/98, MA No.746/98 was filed with a prayer for certain interim reliefs. On the basis of this Miscellaneous Application, it appears that the Tribunal had directed the parties to maintain the status-quo.

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2. In this Contempt Petition, it has been stated that in spite of the status-quo order made in MA 746/98, the applicant was reverted.

3. The learned counsel for the respondents submits that he has filed reply on behalf of Respondent No.1. He also submits that today only he is going to file his memo of appearance on behalf of the second respondent. Therefore he requests two weeks time for filing reply to the Contempt Petition on behalf of the second respondent.

4. On being questioned why this order has not been complied with, the learned counsel for the respondents submitted that the respondents had no notice of the aforesaid interim order, therefore reversion order is made. When the interim order came to their notice, the reversion order was withdrawn. The learned counsel for the applicant did not dispute that subsequently the reversion order has been withdrawn but he wanted to argue that although notice of interim order was given to the respondents, they deliberately and intentionally had passed the reversion order and thereby flouted the order of the Tribunal.

5. Be that as it may, in contempt we do not want to go into the further question whether deliberately something was done by the respondents or it was accidental. The Courts and Tribunals must be reluctant to grant ex-parte orders in favour of the applicant. Be that as it may, Section 13 of the contempt of Courts Act says that:

"Notwithstanding anything contained in any law for the time being in force, no court shall impose a sentence under this

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Act for a contempt of court unless it is satisfied that the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice."

6. We are of the view that even if the contempt is made out such contempt cannot be said to be of a nature which substantially interferes or tends substantially to interfere with the due course of justice. Accordingly, rule nisi issued against the respondents is discharged and the Contempt Petition is finally disposed of.

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(K.M.Agarwal)
Chairman

R.K.Ahooja

(R.K.Ahooja)
Member (A)

/rao/