

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

C.P. No. 234 of 1998 In
O.A. No. 1795 of 1997

New Delhi this 11th day of December, 1998

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Sheesh Pal
S/o Shri Sukh Ram
R/o Maulana Azad Medical College,
Quarter No.9/80,
New Delhi-110 002.

.Petitioner.

By Advocate Shri U. Srivastava.

Versus

1. Shri T.N. Mishra
Director,
Central Bureau of Investigation,
C.G.O. Complex, Block No.IV,
Lodhi Road,
New Delhi-110 003.

2. Shri R.K. Prasad
Superintendent of Police,
C.B.I., Anti Corruption Unit-VIII,
Block No.IV, IIIrd Floor,
C.G.O. Complex, Lodhi Road,
New Delhi.

..Respondents

By Advocate Shri K.C.D. Gangwani.

ORDER

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

In this Contempt Petition, the petitioner alleges that the respondents had committed Contempt of Court by their disobedience in not acting as per the directions of the Tribunal while disposing of the O.A. No. 1795/97 filed by him. The aforesaid O.A. was disposed of on 5.5.1998 with the following directions:-

8. In the facts and circumstances of the case, I allow the OA to the extent that respondents are directed to re-engage the applicant in preference to any fresh person as well as those with lesser length of service as on 20.8.1996. The applicant who is a poor person is

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also entitled to cost which I assess at Rs.1,000/-. The same should be paid to the applicant within one month from the date of receipt of a copy of this order".

2. It is alleged in this petition that instead of considering the case of the petitioner for his re-engagement as casual labourer in preference to any fresh person as well as any person with lesser length of service as on 20.8.96, the respondents have engaged three other persons, namely Vinod Kumar, Babu Lal and Anil Kumar stated to be juniors and/or outsiders.

3. Respondents in their counter-reply to the Contempt Petition have asserted that Shri Vinod Kumar was employed already w.e.f. 28.4.98 even prior to the date of the order passed in the O.A. As regards the other two persons, namely Babu Lal and Anil Kumar, the respondents have stated that these persons were never employed in the branch headed by respondent No.2. It is also stated in the reply that the petitioner had not made any specific mention of the office in which these two persons were employed and also the date from which they were employed. In the light of this reply, respondents have submitted that the contempt proceedings may be dropped.

4. We have heard the learned counsel for the parties.

5. The learned counsel for the petitioner produced before us a Circular dated 22.6.1998 inviting

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applications for engaging 3 sweepers/waterman on contract basis. The learned counsel for the respondents submits that a copy of the aforesaid Circular has not been given to him.

6. In view of the submissions made by the respondents that one of the persons, namely Vinod Kumar was appointed even prior to the date of the order in the OA and the other two persons have never been employed under the respondent No.2 and in the absence of details of their appointments, it cannot be said that the respondents have committed any contempt. In regard to the Circular dated 22.6.98 produced by the learned counsel for the petitioner, it is stated that this Circular only invites interested parties to submit their monthly rates for engagement on contract basis. No engagement or appointment has yet been made by the respondents. It is, therefore, premature to conclude that the respondents have committed any contempt. The respondents have also denied in their reply that the applicant had made any representation either oral or in writing. The petitioner has also not annexed any copy of such representation after the disposal of the aforesaid O.A.

7. In the circumstances, as no case for contempt has been made out, this Contempt Petition is dismissed and the notice is discharged.


(K.M. AGARWAL)
CHAIRMAN


(K. MUTHUKUMAR)
MEMBER (A)

Rakesh