

Central Administrative Tribunal
Principal Bench

C.P.No.363/97
M.A.No.2925/97
M.A.No.2389/97
O.A.No.2456/97

34

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

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

1. Bachi Singh
Transmission Assistant
O/o SDE, VFT Station
M/o Communications
Kidwai Bhawan
New Delhi.

2. Chandra Pal
TTA, O/o SDE (E-10), D-1
Dilshad Garden Telephone Exchange
Shahdara
Delhi - 110 032.

... Applicants

(By Shri H.K.Gangwani, Advocate)

Vs.

1. Shri A.V.Gokak
Secretary
M/o Communications
Dept. of Telecommunications
Sanchar Bhawan
New Delhi.

2. Shri A.V.Gokak
The Chairman
M/o Communications
Govt. of India
Department of Telecommunications
Sanchar Bhawan
New Delhi.

3. Shri Tej Singh
Asstt. General Manager
(R & E) Dept. of Telecommunications
Room No.266, Kidwai Bhawan
New Delhi.

... Respondents

(By Shri R.P.Agarwal, Advocate)

O R D E R (Oral)

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

Heard the learned counsel for the parties on this

For application for contempt.

- 2 -

2. The learned counsel for the applicants submitted that on 31.10.1997 a statement was made by the Departmental Representative appearing on behalf of the respondents that no unsuccessful candidates were sent for training and on that basis the following order was made by the Tribunal on 31.10.1997 itself in OA No.2456/97:

35

"In view of this statement made by the departmental representative that no fail candidates have been sent for training, no interim order is required at present. The matter may be placed before DR(J) for completion of pleadings on 28.11.1997."

3. In the application for contempt, it is stated that an incorrect statement was made by the Departmental Representative on 31.10.1997, on the basis of which the applicants could not get any interim relief from the Tribunal on 31.10.1997. In order to substantiate the statement they referred to the allegations made in paragraph 4 of their application for contempt that the respondents themselves declared that result of 15% quota was declared on 11.2.1996 and no candidate was qualified according to that declaration of result. By subsequent order dated 25.9.1997 they declared 49 persons as qualified or successful against the 15% quota after giving the candidates some relaxation.

4. In the context of the aforesaid facts and in view of the further fact that the statement was made subsequently on 31.10.1997, it cannot be said that deliberately an incorrect statement was made. In other words, although in the first result no candidate could be declared successful against the 15% quota but in the second result, after relaxation, 49 persons were declared successful. This was in September, 1997. If the respondents intended to say that apart from these 49 persons, no other unsuccessful candidate was sent for

training it cannot be said that that intention is not reflected in the statement made on 31.10.1997 by the Departmental Representative for and on behalf of the respondents.

36

5. We ~~are~~ further find that on the basis of that statement it can ^{not} be said that any contempt was committed by the respondents. The decision of the Supreme Court in Dr. (Mrs.) Rosham Sam Joyee Vs. S.R.Cotton Mills Ltd. & Others, AIR 1990 SC 1881 relied on by the learned counsel for the applicant is quite distinguishable and we do not want to operate this order at length ^{for} even otherwise we are of the view that for the reasons aforesaid no case for contempt is made out. Accordingly, the Contempt Petition is rejected. The Rule nisi stands discharged.

Km

(K.M.Agarwal)
Chairman

R.K. Ahooja
(R.K.Ahooja)
Member(A)

/rao/