

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 378/1997 in
O.A. NO. 786/1997

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New Delhi this the 23rd day of December, 1997.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI N. SAHU, MEMBER (A)

Mrs. C. P. Sehgal,
141 Type-IV,
Sector-III, Sadiq Nagar,
New Delhi-110049.

... Applicant

(By Shri M. N. Sehgal, Advocate)

-Versus-

Dr. V. S. Ramamurthy,
Secretary to Government of India,
Department of Science & Technology,
Technology Bhawan,
New Delhi-110016.

... Respondent

O R D E R (ORAL)

Shri Justice K. M. Agarwal -

Heard the learned counsel for the applicant on admission.

2. The application is styled as an application under Section 17 of the Administrative Tribunals Act, 1985 read with Sections 11 and 12 of the Contempt of Courts Act, 1971, but the relief claimed in the application is to issue notice of contempt against the respondent and if found guilty, to punish him in accordance with law, besides making a prayer for directing the respondent to implement the directions of the Tribunal dated 26.8.1997 by considering the applicant for the post of Director by the selection

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committee, which is likely to be constituted within 15 days from the date of the direction. In O.A. No. 786/97 decided on 26.8.1997, the direction made by the Tribunal was to the following effect :-

"11. We, therefore, allow this application and direct the respondents to consider the candidature of the applicant for the post of Director in accordance with the procedure for selection for the said post...."

3. It would thus appear that no time limit is fixed by the Tribunal for carrying out its directions dated 26.8.1997 and, therefore, as per paragraph 2 of the Government of India's order dated 14.8.1987 reproduced at page 60 of the Swamy's Compilation on the Central Administrative Tribunal, the directions are to be carried out within a period of six months from the date of receipt of a copy of the order. That period has not as yet expired, but the learned counsel for the applicant argued by referring to Office Memorandum dated 13.12.1988 that review for promotion by the selection committee is to be done twice a year, that is, before 1st January and 1st July every year and, therefore, if a direction is not made now for consideration of the applicant's name for the post of Director in accordance with the procedure for selection, the very purpose of the direction made by the Tribunal may be frustrated. It was further argued by referring to the interim order dated 22.4.1997 made by the Tribunal in the said O.A. No. 786/97 that the respondents were directed to consider the applicant

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for assessment along with other eligible candidates in the selection to be held in July, 1997. That direction was also not carried out and, therefore, the respondent has committed contempt of court by not carrying out the aforesaid directions dated 22.4.1997 and 26.8.1997 of the Tribunal.

4. The interim order dated 22.4.1997 has merged into final order dated 26.8.1997 and, therefore, we are of the view that no case is made out for disobedience of that interim order by the respondent. Further, no prayer has been made in the contempt application for taking action for disobedience of the interim order dated 22.4.1997.

5. Further, in so far as the disobedience of the final order of the Tribunal is concerned, we are of the view that firstly, the application is premature because a period of six months has not expired; secondly, it appears that the respondent has filed C.W.P. No. 5537/97 in the Delhi High Court against the aforesaid order dated 26.8.1997 of the Tribunal passed in O.A. No. 786/97 and on 18.12.1997, the Delhi High Court was pleased to issue notice of the petition as also to grant an ex parte interim stay of operation of the impugned order dated 26.8.1997 of the Tribunal. Under these circumstances, no case is made out for proceeding against the respondent under the Contempt of Courts Act.

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6. At this stage, the learned counsel for the applicant made further submission that pursuant to the interim order dated 22.4.1997, the respondent was bound to consider the name of the applicant in the selection dated 4.12.1997, and that having not been done, a case for contempt has been made out. We find no substance in this contention as well because there was no specific direction to consider the name of the applicant in the selection dated 4.12.1997.

7. In view of the stay granted by the High Court and in the light of the fact that the contempt application is premature, as stated above, no case is made out for contempt against the respondent. Accordingly this application is hereby summarily dismissed.

K. M. Agarwal

(K. M. Agarwal)
Chairman

N. Sahu

(N. Sahu)
Member(A)

/as/