

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.NO.534/2002
IN
O.A.NO.290/1997

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Monday, this the 30th day of December, 2002

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Honb'ble Mr. Govindan S. Tampi, Member (A)

1. AIR Foreign Service Translators
Broadcasters Association (Regd.)
through its General Secretary
Shri K.K.Das
972, Saraswati Vihar
Gurgaon (Haryana)
2. Shri K.K.Das
Translator-cum-Announcer
972, Saraswati Vihar
Gurgaon (Haryana)
3. Shri S.S. Naseem
Translator-cum-Announcer
Arabic Services, External Services Division
All India Radio
New Delhi
4. Shri M.A. Malik
Translator-cum-Announcer
Persian Service, External Services Division
All India Radio
New Delhi
5. Shri M.N. Upadhyaya
Translator-cum-Announcer
Persian Service, External Services Division
All India Radio, New Delhi

..Applicants

(By Advocate: Shri S.D.Raturi)

Versus

1. Shri Pawan Chopra
Secretary to the Govt. of India
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi
2. Shri K.S.Sharma
Director General
All India Radio, Parliament Street
New Delhi

..Respondents

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J):

Shri S.D.Raturi, learned counsel for petitioners
has, at the outset, ~~seeks~~ ^{sought an} adjournment on the ground that

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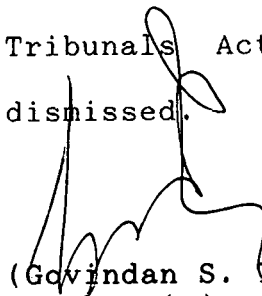
he has misplaced the file. However, he has made oral submissions with reference to the relevant documents on record which we have also perused.

2. This Contempt Petition has been filed by the petitioners in OA-290/97 on 16.12.2002 and has been listed today at serial No.2 for admission. In the circumstances, we are unable to understand the excuse given by Shri R.D.Raturi, learned counsel that the Contempt Petition has been listed suddenly and ~~before~~^{he}, he has misplaced the file and so on. In any case, as mentioned above, we have also heard him and perused the relevant order passed by the Tribunal dated 10.10.2000 in OA-290/97, against which this Contempt Petition has been filed alleging non-compliance. Learned counsel has also drawn our attention to the Tribunal's order dated 17.10.2001, the relevant portion of which reads as follows:-

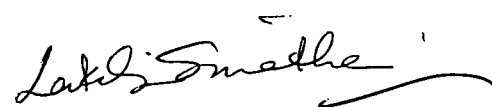
"Sh. Anil Singhal states that as far as the respondents are concerned, action has been taken and the matter has been forwarded to the Ministry of Finance on whose concurrence the respondents can take action. As Ministry of Finance is not a party in the OA, it is not possible to file a contempt against them. The directions are issued to the respondents to take a decision and inform the persons concerned in the Ministry of Finance that they are responsible. He also points out that in the OA Ministry of Finance should be impleaded as a party. It is absolutely necessary that the respondents shall take action to abide by the Tribunal's order and indicate the reason why they cannot do it. Still in the interest of justice we give the respondents two months to comply with the order. Respondents must depute senior responsible officer to follow up with Ministry of Finance. MA is disposed of accordingly."

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3. From the facts mentioned above, it is noted that this Contempt Petition has been filed just after the expiry of two months period granted to the respondents in terms of the order dated 17.10.2001. Taking into account the relevant facts and circumstances, including the directions of the Tribunal dated 10.10.2000 read with the aforesaid order dated 17.10.2001, we are unable to come to the conclusion or agree with the contention of the learned counsel for the petitioners that a prima facie case has been made out of deliberate and contumacious disobedience of the Tribunal's order warranting action to be taken against the alleged contemnors under the provisions of Contempt of Courts Act, 1971 read with Section 17 of the Administrative Tribunals Act, 1985. For these reasons, CP-534/2002 is dismissed.


(Govindan S. Tampi)
Member (A)

/sunil/


(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)