

(21)

Central Administrative Tribunal
Principal Bench

C.P.No.89/98 in
O.A.No.1532/97

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

New Delhi, this the 17th day of March, 1998

Ms. Vandana Yadav
Daughter of Shri O.P.Yadav
aged 25 years
resident of 20/62, Lodi Colony
New Delhi - 110 003. Applicant

(By Shri A.K.Behera, Advocate)

Vs.

1. Shri Arvind Verma
Secretary
Ministry of Personnel Public Grievances
& Pensions
North Block
New Delhi.
2. Shri C.R.Kamala Nathan
Secretary
Ministry of Information & Broadcasting
Shastri Bhawan
New Delhi. Respondents

O R D E R (Oral)

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

Heard the learned counsel for the applicant.

2. This is an application for initiating contempt proceedings against the respondents for non-compliance of the order dated 2.12.1997 in OA No.1532/97.

3. By the said order the respondents were directed to give effect to the allocation given to the petitioner in IIS Group A service by their order dated 30.3.1995. No period for compliance had been mentioned. As per the Government of India orders dated 14.8.1987 reproduced below Section 27 of the Administrative Tribunals Act in Swamy's Compilation, in such cases, where contempt is not

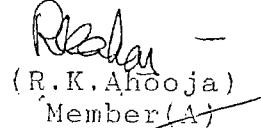
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given compliance is required to be made within six months. Under these circumstances, we feel that this Contempt Petition is premature.

4. The learned counsel submits that the order also states that the respondents were directed to take action as early as possible. Further it was pointed out that in Paragraph 4 of the Contempt Petition it has been mentioned that the Cadre Controlling Authority itself wrote a letter to the first respondent seeking permission to allow the applicant to join in the said course. Not only this they had also sent reminders to the first respondent for such permission. Under these circumstances, according to the learned counsel, a case for contempt is made out. We find no substance in the contempt. Contempt is not made out in such manner as is argued by the learned counsel for the applicant. Contempt is made out where a specific direction of the Court and that direction is not carried out within a specified time. Under these circumstances, the Contempt Petition is rejected as premature. However, the applicant shall have an opportunity to renew the Contempt Petition after expiry of a period of six months from the date of receipt of a copy of the said order in OA No.1532/97.



(K.M. Agarwal)
Chairman


(R.K. Ahooja)
Member(A)

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