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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P. 129 of 1997  
in  
O.A.1447 of 1996  
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New Delhi, this the 12th day of August, 1997.

Hon'ble Dr. Jose P. Verghese, Vice Chairman(J)  
Hon'ble Mr. N. Sahu, Member(A)

A.C. Sahrawat  
S/o Late Shri Sher Singh,  
R/o 7-C, Sujan Singh Park,  
Sonepat(Haryana)

(By Advocate : Shri B.B. Raval)

Versus

1. Shri N.P. Singh,  
Secretary  
Ministry of Urban Affairs &  
Employment  
Govt. of India  
Nirman Bhawan  
New Delhi- 110 001

2. Shri B.L. Nimesh,  
Land & Development Officer,  
Ministry of Urban Affairs &  
Employment,  
Govt. of India,  
6th Floor,  
Nirman Bhawan,  
New Delhi

... Respondents

(By Advocate : Shri K.C.D. Gangwani)

ORDER (Oral)

Hon'ble Dr. Jose P. Verghese, Vice Chairman(J) -

This is a contempt of court proceeding wherein petitioner has complained that the respondents have not complied with the orders of this court dated 17.09.1996.

2. This court have noticed the fact that the charge incident is alleged to have occurred between 1976 to 1986 and thereafter, two promotions had been granted to the petitioner and in the circumstances

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whether the charge-sheet itself can be maintained and continued in view of the superannuation of the petitioner or not. The previous court had directed that the representation be filed within a stipulated period of time and the respondents shall look into the case in detail and seriously and pass a speaking order.

3. The respondents have filed a reply stating that the fact of commission of the offence was identified only in the year 1989 and thereafter it took some time to process the case through different departments and officially the charge-sheet was filed in 1995. With respect to the subsequent two promotions after the charge incidents it is stated that the promotion was given through a different department where this fact could not come to light. In any event the petitioner has all these aspects available to him as a defence in his case in the event any order passed adversely to him in the enquiry. We are of the opinion that the substantial compliance of our order has been done even though the ultimate result whether the charge-sheet to be continued, in the circumstances, to be proceeded against or not is for the respondents to decide. In the circumstances, liberty is given to the petitioner to agitate against any order that would be passed in the proceedings, in accordance with law. The counsel for the petitioner says that there is no substantial compliance to the extent that even the charges levelled relates to the periods prior to his joining the service and this

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Issue was not raised in the report and the report is  
totally silent about it. We have considered this  
aspect and we are afraid that this aspect cannot be  
gone into in these proceedings. We are satisfied that  
substantial compliance of our order has been done.

CP is disposed of. Notice discharged.

*Narasinghawh*  
(N. Sahu)  
Member (A)

(Dr. Jose P. Verghese)  
Vice Chairman (J)

/Kant/