

(18)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

CP.No.168 in OA.No.686/96

Dated New Delhi, this 13th day of August, 1996.

HON'BLE SHRI A. V. HARIDASAN, VICE CHAIRMAN (J)
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

M. L. Sharma
Administrative Officer-II
Posted under Engineer-in-Chief
Army Headquarter
Kashmir House
NEW DELHI.

... Petitioner

By Advocate: Shri D. S. Mahendru

versus

1. Lt. General R. N. Khanna
Engineer-in-Chief
Army Headquarters
Kashmir House
NEW DELHI.

2. Hem Raj Bhagat
Garrison Engineer
Air Force
Tughlakabad
NEW DELHI.

.. Respondents.

By Advocate: Shri V. S. R. Krishna

O R D E R (oral)

Hon'ble Shri A. V. Haridasan, VC(J)

This CP arises out of the decision in OA.686/96 rendered on 20.5.1996. The effective directions given in the order was to treat that the petitioner was not transferred till his representation was disposed of by the competent authority and to dispose of the representation before 7.6.1996 and also to pay the petitioner the pay and allowances for the period he was not allowed to perform duties treating him as an officer in the

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office of the Engineer-in-Chief till the disposal of the representation by the competent authority.

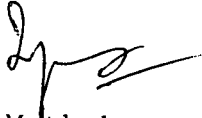
2. Notice having been served on the respondents, a reply affidavit has been filed on behalf of the respondents in which it has been shown that the representation has been disposed of by the competent authority on 6.6.1996 and that the petitioner was treated to be an officer in the office of the Engineer-in-Chief and also that the pay and allowances as directed in the order has already been paid to him. Though it is admitted that there has been a short delay in payment owing to administrative difficulties, the order was passed by the competent authority on the representation and now the payment has been made to the petitioner. The learned counsel for the petitioner states that as the payment has been delayed, the respondents have committed contempt and, therefore, the matter has to be further proceeded with and that the petitioner may be permitted to file a rejoinder.

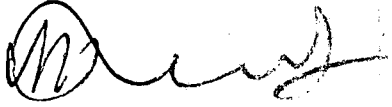
3. We have heard Shri D. S. Mahendru, the learned counsel for the petitioner and Shri V. S. R. Krishna, the learned counsel for the respondents. We do not find any necessity of the petitioner filing a rejoinder. The role of the

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petitioner in a Contempt Petition is only to inform the Tribunal that a contempt has been committed. After that is done, what transpires in the Contempt Petition is between the court and the alleged contemner. We are satisfied that the respondents have substantially complied with the directions contained in the order of the Tribunal. The delay is only marginal and it does not warrant any action under Contempt of Courts Act. In the circumstances, the Contempt Petition is dismissed. The notices issued to the respondents are discharged. No costs.


(K. Muthukumar)
Member (A)


(A. V. Haridasan)
Vice Chairman (J)

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