

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P. No. 257 of 1996  
in  
O.A. No. 668 of 1996



New Delhi, this 10th day of December, 1998.

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN  
HON'BLE MR. K. MUTHUKUMAR, MEMBER(A)

1. Narendra Singh Rana  
R/o Flat-8, J.D. Pocket  
Pitampura  
New Delhi.
2. M.C. Sharma  
R/o C-2/319, Yamuna Vihar  
Delhi-53.
3. Madhurendra Kumar  
R/o B-25, Pandara Road  
New Delhi.
4. Dharam Pal  
R/o 44 D, Sidharth Extn.  
New Delhi.
5. Sudhir Jain  
R/o Z-475, Timarpur  
Delhi.
6. Nand Gopal  
R/o 156, Village New Usmanpur  
Opp. Primary School  
Delhi-53.

... Applicants

By Advocate: Shri H.B. Mishra

versus

1. Shri P.V. Jaya Krishnan  
Chief Secretary  
Government of N.C.T. Delhi  
5 Sham Nath Marg  
Delhi.
2. Smt. Kiran Dhingra  
Secretary-cum-Commissioner  
Transport Department  
Government of N.C.T. Delhi  
5/9 Under Hill Road  
Delhi.
3. Smt. Rashmi Singh  
Deputy Director(Estt.)  
Transport Department  
Government of N.C.T. Delhi  
5/9 Under Hill Road  
Delhi.

... Respondents

By Advocate: Shri Rajinder Pandita.

O R D E R (oral)



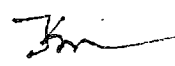
HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN

The learned counsel for the respondents made a prayer for adjournment which was opposed by the learned counsel for the applicants. Prayer for adjournment is rejected.

2. This Contempt Petition was listed for hearing on 9.12.98. But due to the voluminous paper and reference made in various documents by the learned counsel for the applicants before beginning his arguments, we adjourned the case for today so as to go through the papers and to cut short the arguments.

3. At the outset, we wanted to know what is the contempt alleged in this Contempt Petition. The learned counsel for the applicants drew our attention to the ordersheet dated 23.9.96 in OA.668/96 and submitted that the interim order of the Court was violated by the respondents. As an interim measure, the respondents were directed not to make any appointment pursuant to the impugned advertisement. We then wanted to know if the OA was pending for disposal. We were informed that the said OA.No.668/96 was finally disposed of by order dated 3.10.97 by the Tribunal. The record of OA.668/96 is also before us. We went through the order. Sub-para(i) of concluding and operative paragraph-21 reads as follows:

"OA.No.668/96 is allowed only to the extent that the appointments/or offer of appointments to persons who are in excess of advertised posts (eight) shall stand quashed. OAs.1858/96 and 2152/96 are dismissed being devoid of merits."



Ab

4. In clause (ii) of paragraph-21 it was held that action of the respondents in making/offering appointments in excess of the posts advertised on 14.3.96 was illegal.

5. By an interim order dated 29.3.96, the respondents were directed to make no appointment pursuant to the impugned advertisement. Since an application for contempt has been made, we take it that the respondents made appointments pursuant to the impugned notification, intentionally or unintentionally ignoring the interim relief granted, notwithstanding the fact that in paragraph-10(c) of the reply to the Contempt Petition, the respondents have made following statements:

"That, so far the Department has not received any filled up form from these 18 individuals. If the Court so directs, even after we receive the forms we will not send them for police/character antecedents verification till the permission is granted by this Hon'ble Court. Question of issuing appointment letters in the present case does not arise."

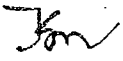
and proceed to consider what further action is necessary in view of the fact that OA.668/96 has been finally disposed of by the Tribunal in the manner aforesaid. We are of the view that contempt alleged is of such a nature that it cannot be said to be substantially interfering or tends substantially to interfere with the due course of justice and therefore, no sentence of the contempt can be imposed on the respondents in view of Section 13 of the Contempt of Courts Act, 1971.



6. It cannot be disputed that the contempt is a matter between the Court and the contemner. After the contempt is brought to the notice of the court, the applicant or his counsel may or may not be heard by the court. Under these circumstances and in view of the fact that we have read the file, we refused any hearing to the learned counsel for the applicants when he submitted that he may be required to refer to various developments and proceedings taken out by the High Court and the Supreme Court.

7. In view of the fact that we are of the view that no case is made out for sentencing the respondents, this Contempt Petition is dismissed and rule nisi is hereby discharged.

8. It may go on record at the request of the learned counsel for the applicants that according to him, the case was adjourned on 9.12.98 with the direction that the learned counsel for the applicants may be heard, but today he was not heard.

  
(K.M. Agarwal)  
Chairman

  
(K. Muthukumar)  
Member (A)