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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP No. 306/98 IN
OA No. 2636/96

New Delhi, this the 2nd day of February, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Manphool Singh,
S/o Shri Suraj Bhan,
R/o Village Baliar, Khan,
P.O. Mazra Swaraj,
Distt. Rewari,
Haryana
(By Advocate: Sh. Shyam Babu)

.... Applicant

Vs.

1. Sh. V.N. Singh,
Commissioner of Police, Delhi
Police Headquarters,
I.P. Estate, New Delhi.

2. Shri P.V. Jaikishan
Chief Secretary,
Govt. of N.C.T. Delhi,
5, Sham Nath Marg,
Delhi.

3. Shri B.P. Singh,
Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

.... Respondents

(By Advocate: Sh. Deepak Bhardwaj proxy for
Sh. Arun Bhardwaj)

O R D E R

delivered by Hon'ble Shri T.N. Bhat, Member (J)

We have heard the learned counsel for the parties.

2. Admittedly, the judgment dated 24.10.96 passed by the Tribunal in OA 2636/96 in which the petitioner herein was an applicant, has not been implemented. By the aforesaid judgment the respondents in the bunch of OAs including OA 2636/96 were directed to offer appointments to those applicants in the OAs who had

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been duly selected but whose candidature was later cancelled and also to reinstate those of them whose services had been terminated or in whose case termination was threatened.

3. It is stated by the respondents that the writ petition filed by them against the judgment is pending before the High Court of Delhi. It is, however, not denied that the stay order passed earlier by the Hon'ble High Court has been vacated. The mere pendency of the writ petition cannot absolve the respondent of his responsibility to implement the Tribunal's judgment so far as it relates to the petitioner herein, particularly so when the High Court has in its order vacating the stay specifically observed that the appointment made in pursuance of the Tribunal's directions will be subject to the final result of the writ petition.

4. According to the respondent, a decision has been taken to file SLP against the order of the High Court vacating the stay. It is stated in the reply filed by the respondent that the prescribed period of limitation for filing the SLP would expire on 12.1.98. The said date has already passed but no material has been placed before us which would show that the SLP has been filed nor has order of stay been brought to our notice.

5. The picture thus emerging is one of utter failure on the part of the respondent to implement the Tribunal's judgment which clearly makes out a case of civil contempt.

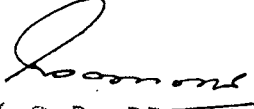
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6. However, taking into consideration the facts and circumstances of the case we would grant one more chance to the respondent to carry out the directions of the Tribunal. We accordingly direct the respondent to implement the judgment of the Tribunal within one month of the pronouncement of this order. We further direct that the respondent shall pay Rs.800/- as costs to the applicant within the aforesaid period.

7. Needless to say that if the respondent fails to carry out the directions above within the stipulated time it shall be open to the petitioner to file fresh contempt petition, if so advised.

8. With this order the instant CP is disposed of.


(S.P. BISWAS)
Member (A)


(T.N. BHAT)
Member (J)

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