

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P. No. 307/97

IN

OA No. 2516/96

(15)

New Delhi: this the 12 December, 1997

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri R. K. Bhasin,
S/o Late Shri T. R. Bhasin,
C4/E-134, Janakpuri,
New Delhi Applicant.
(By Advocate: Shri S. L. LAKHANPAL)
Versus

Union of India, through
Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. Shri Arun Prasad Sharma,
Joint Secretary (Training) &
Chief Administrative Officer,
Ministry of Defence,
C-II Hutmants, Dalhousie Road,
New Delhi - 110011. Respondents.
(By Advocate: Mrs. P. K. Gupta).

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant complains of contumacious
disobedience ^{by respondents} of the Tribunal's common order
dated 30.5.97 in OA No. 2691/96 and OA No. 2516/96.

2. By the aforesaid order the two OAs were
disposed of with certain directions, which
respondents were directed to implement within
2 months, with liberty given to applicants to
approach the Tribunal if any grievance still
survived after the respondents passed their order.

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3. Specifically, respondents were directed to reconsider the case of the applicants for regularisation as Technical Assistants in accordance with the eligibility criteria applicable prior to 1995 and pass necessary orders within two months. While passing the aforesaid orders, the Tribunal's judgment dated 23.5.95 in OA No.725/97 was also noticed.

4. Respondents have passed orders on 11.11.97 (Annexure-OP-4), after considering the cases of the applicants for regularisation.

5. Applicant contends that respondents have passed the aforesaid orders with delay, and applicants' cases have not been properly considered. Shri Lakhpal has also contended during hearing that certain consequential vacancies which became available in the background of the aforesaid order have also not been filled up by respondents.

6. By the judgment dated 30.5.97 respondents were directed to pass the necessary orders within two months of that date, that is by 30.7.97. Respondents passed the impugned orders on 11.11.97. No prayer was made before the Tribunal seeking extension of time for implementing the Tribunal's directions, which respondents should have done in case they were unable to implement those directions within the prescribed time period. However, in the background of the averments made in the reply to paragraph 4 of the OP, and the unconditional apology expressed by respondents in

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their reply, we do not consider that there is justification to initiate contempt proceedings or otherwise penalise Respondents on this ground.

7. Similarly the contention that there has not been a proper consideration of applicants' cases may give applicants a cause of action separately, but cannot be a good ground for initiation of contempt proceedings, and in this connection we are fortified in our view by the Hon'ble Supreme Courts judgment in J.S.Parihar Vs. G. Duggan & Ors. JT 1996 (9) SC 608.

8. The alleged non filling up of consequential vacancies may also give rise to a cause of action separately, but cannot be the subject of contempt proceedings.

9. The contempt petition is therefore dismissed and notices to alleged contemnors are discharged.

Lakshmi Swaminathan *S. R. Adige*
(MRS. LAKSHMI SWAMINATHAN) (S. R. ADIGE)
MEMBER(J) VICE CHAIRMAN(A).

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