

(26)

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH.

C.P. NO. 13/94

in

O.A. NO. 530/93

New Delhi this the 26th day of May, 1994.

Shri Justice V.S. Malimath, Chairman.

Shri P.T. Thiruvengadam, Member (A).

Joginder Poddar
S/o Shri Sidhu Poddar,
R/o H.No. 461, Krishi Kunj,
New Delhi. ...Petitioner.

By Advocate Shri B.B. Raval.

Versus

1. Shri J.C. Pant,
Secretary,
Ministry of Agriculture,
Government of India,
Krishi Bhawan,
New Delhi.
2. Dr. V.L. Chopra,
Director-General
Indian Council of Agricultural
Research (ICAR),
Government of India,
Krishi Bhawan,
New Delhi.
3. Shri A.K. Chaturvedi,
Chief Administrative Officer,
Indian Agricultural Research
Institute (IARI),
Government of India,
New Delhi. ..Respondents.

By Advocate Shri Manoj Chatterjee.

ORDER (ORAL)

Shri Justice V.S. Malimath:

The complaint in this case is that the judgement of this Tribunal dated 22.9.1993 in O.A. No. 530/93 has not been complied with. The direction in the judgement is that the order retiring the petitioner from 1.1.1993 has been quashed and the respondents have been directed to pay him the arrears of salary and other emoluments which would have been payable to him on or before 1.1.1993 but for the impugned

order dated 31.12.1992. There is a further direction that the respondents shall not interfere with the services of the petitioner unless a decision adverse to him is taken after due enquiry and order is passed on merits and in accordance with law. The respondents have now produced before us a statement wherein it is stated that the amounts due to the petitioner have been paid in two instalments on 16.4.1994 and 11.5.1994 respectively. It is not the stand of the petitioner that the amount paid does not represent the arrears. Hence, so far as the direction regarding payment of arrears of salary and other emoluments is concerned, it has to be stated that it has been complied with during the pendency of the contempt petition. Shri Rawal, learned counsel for the petitioner, however, maintained that the respondents did not comply with the directions in this behalf promptly and that they did so after the contempt of courts proceedings were filed and, therefore, at any rate the petitioner should be compensated by/ awarding cost. Another contention of the learned counsel for the petitioner is that promotion due to the petitioner has not been made available to him as his case was not duly considered as and when he became due.

2. So far as the delay is concerned, there is undoubtedly some delay in complying with the judgement ~~of the Tribunal~~ of the Tribunal. The judgement was

rendered on 22.9.93. We do not find any period fixed in the judgement for complying with the directions. In the normal circumstances, we take the view that compliance should be done within a reasonable time, which is taken normally as a period of six months. Looked at from that point of view, compliance cannot be regarded as so belated after the expiry of reasonable period of six months so as to justify any special directions being issued /regarding payment of interest. As regards non-consideration of his case for promotion, it is not possible to understand the directions of the judgement as mandating such consideration. The only direction is that the respondents shall not interfere with the services of the petitioner unless a decision adverse to him is taken after due inquiry. The only mandate, therefore, is not to disturb the services of the petitioner meaning thereby the position which he had held on 31.12.1992, the date on which he had attained the age of superannuation, shall not be disturbed. If the petitioner has any grievance to make in regard to his case for promotion it is open to him to work out his rights in appropriate proceedings. We would not be justified in the present contempt of courts proceedings having regard to the limited scope of directions, to issue any further directions in this behalf.

3. For the reasons stated above, this contempt petition fails and is dismissed. No costs.

f. J. 26
(P.T. Thiruvengadam)
Member(A)

Malimath
(V.S. Malimath)
Chairman