

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

(3)

C.P. NO. 31/94 in  
O.A. NO. 2681/93

New Delhi this the 17th day of March, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN  
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Mohd. Mujeeb,  
Welfare Officer Gr. II,  
Dte. of Social Welfare,  
Delhi Administration,  
Kasturba Gandhi Marg,  
New Delhi - 110001.

... Petitioner

By Advocate Shri V. S. R. Krishna

Versus

1. Shri R. K. Thakker,  
Chief Secretary,  
Delhi Administration  
(Govt. of National Capital  
Territory of Delhi),  
5, Shamnath Marg,  
Delhi.

2. Shri S. K. Batra,  
Director,  
Dte. of Social Welfare,  
Govt. of National Capital  
Territory of Delhi,  
Kasturba Gandhi Marg,  
New Delhi.

... Respondents

By Advocate Shri Surendra Adlakha

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath -

The grievance in this petition is about the violation of the interim direction issued by the Tribunal on 28.12.1993. The direction is that the respondents shall release the salary due to the petitioner unless there are valid reasons for not doing so. The period for which the salary is directed to be released is not specifically stated in the order. Shri Krishna, learned counsel for the petitioner,

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wants us to read the said direction in the light of what has been stated in the first paragraph of the order wherein there is reference to the submission made by the petitioner's counsel that the salary is not being paid since August, 1993. The learned counsel for the respondents would ask us to understand the direction as having a bearing on what the petitioner himself has prayed by way of interim relief in the O.A. The interim prayer in the O.A. is for a direction to release the salary of the petitioner for the month of December, 1993 forthwith. In the first part of the interim order, the submission of the petitioner's counsel has been adverted to and in the second part, the direction is issued. As there is no specific mention of the period for which the salary should be released, learned counsel for the respondents is right in submitting that we should understand the direction as having been issued in the light of the prayer made by the petitioner himself. It is difficult to construe the order as making a direction contrary or any far in excess to the prayer made by the petitioner himself. When we look at the prayer, it is for a direction to release the salary for the month of December, 1993. The respondents have stated that the salary has been released. The counsel for the petitioner submits that the salary has been released as late as on 4.2.1994. These facts make it clear that the salary for the month of December, 1993 has been paid though there has been delay in paying the same. It is necessary to note that the direction was issued by the Tribunal on 28.12.1993 and the payment



has been made on 4.2.1994. There is also no specific period within which the respondents were directed to pay the amount. These facts are sufficient to take the view that no action under the Contempt of Courts Act is called for.

2. We shall, however, advert to the argument that the salary from August, 1993 should have been paid. The respondents have stated in their reply that the petitioner remained absent for long period and that, therefore, a show cause notice was issued to him as per Annexure R-1 dated 6.9.1993, and that the same was refused and, therefore, action was taken to pass an order as per Annexure R-2 dated 31.1.1994 to the effect that for the period for which the petitioner has not worked, he is not entitled for salary. We do not propose to express any opinion on the correctness or otherwise of the order made as per Annex. R-2. It is open to the petitioner to question the correctness of the same in appropriate proceedings. It is enough to say that the order made by the Tribunal itself, even if it is assumed has the effect of directing salary being paid from August, 1993, it is subject to the condition that the payment shall be made unless there are valid reasons for not doing so. The action taken by the respondents as aforesaid treating the petitioner as absent for a considerable period and directing that he should not be paid salary for the period of absence, would, in the circumstances, amount to a valid reason for not paying

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the amount. In that view of the matter it would not be possible to take the view that the respondents have committed contempt, even assuming that the direction of the Tribunal has the effect of directing salary being paid from August, 1993.

3. Looked at from any angle, there is no ground for proceeding further under the Contempt of Courts Act. These proceedings are dropped.

*V. S. Malimath*

( V. S. Malimath )  
Chairman

*Adige*  
( S. R. Adige )  
Member (A)

/as/