

Central Administrative Tribunal, Principal Bench

Contempt Petition No.126 of 2002 in
Original Application No.1497 of 2000

(20)

New Delhi, this the 13th day of March, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Dr. A.K. Singh
S/o late Shri L.P. Singh
R/o A-32/3, DDA (SFS)
Saket, New Delhi-17

- Petitioner

(By Advocate: Shri M.K. Gupta)

Versus

1. Shri Javed Chaudhary
Secretary (Health)
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi-1

2. Dr. S.P. Agarwal
Director General of Health Services
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi-1

- Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

Non-observance of directions issued by this Tribunal on 19.7.2001 in OA No.1497/2000 has been made the basis of the present contempt petition. By the order, respondents had been directed to open the sealed cover of the applicant and act upon the recommendations of the DPC contained in the sealed cover and in case he is found entitled to promotion with effect from April, 1995, he shall be granted the same with all consequential benefits flowing from such promotion (emphasis supplied). Since the respondents failed to comply, applicant instituted a C.P. No. 667/2001. By an order passed on 6.12.2001, aforesaid C.P. was disposed of by granting one month's time to the respondents to comply with the directions. Aforesaid order of 19.7.2001 was carried by the respondents to the High Court by instituting C.W.P. No. 58/2001 which was

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dismissed by an order passed on 7.1.2002. Respondents thereafter instituted M.A.No.230/2002 for extension of time for complying with the order. By an order passed on 29.1.2002, respondents were granted a further period of four weeks for compliance with a rider that in case of non-compliance, a serious view will be taken. Respondents, by an order passed on 15.2.2002, have granted to the applicant in-situ promotion w.e.f. 1.2.95. The order is issued purely on provisional basis subject to the outcome of SLP proposed to be filed in the Supreme Court.

2. Applicant, by his representation of 20.2.2002 addressed to the respondents, has pointed out that respondents have deliberately not granted consequential benefits, as directed. Respondents have not so far responded to the aforesaid representation.

3. In our view, it would not be just and proper to infer on the facts and circumstances arising in the present case that the omission to grant consequential benefits, is deliberate. It could ^{as well} be a case of omission. Under the circumstances, ends of justice will be duly met by disposing of the present contempt petition at this stage itself even without issue of notices with a direction to the respondents to comply with the remainder of the directions by granting consequential benefits to the applicant expeditiously and in any event within a period of four weeks from the date of service of a copy of this order. In case of non-compliance, it will be open to the applicant to apply for revival of the present contempt



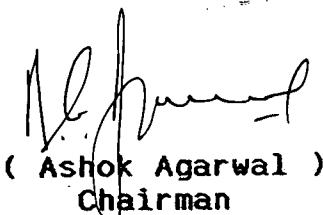
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petition. Present contempt petition is disposed of in the aforesated terms.



(S.A.T. Rizvi)
Member (A)

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(Ashok Agarwal)
Chairman