

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP No.422/2004
OA NO.32/2000

New Delhi this the 4th March, 2005

HON'BLE SHRI JUSTICE M.A.KHAN, VICE-CHAIRMAN(J)
HON'BLE SHRI S.A.SINGH, MEMBER(A)

H.L.Sonar,
S-31 H Saket,
New Delhi-110007.

...Applicant.

(By Advocate: Applicant in person)

Versus

Smt. Richa Srivastava,
Joint Commissioner (Admin)
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.

...Respondent.

(By Advocate: Shri S.Rajappa)

ORDER (ORAL)

By Shri Justice M.A.Khan, Vice-Chairman(J):

Applicant has filed this application complaining that the respondents deliberately and wilfully disobeyed the order of this Tribunal and they should be punished under the Contempt of Court Act. Vide order dated 31.3.2004 this Tribunal had passed the following order:

"15. Thus we find that from whatever angle we may examine the case and documents brought on the face of the record itself show that these impugned orders passed by the disciplinary authority as well as reviewing authority cannot be sustained and the same are liable to be quashed. Accordingly we hereby quash the impugned orders passed by the disciplinary authority. However we leave it open to the disciplinary authority that they may conduct the proceedings afresh in accordance with the rules and instructions on the subject, from the stage of supply of documents asked for by the applicant. In the meanwhile the applicant may be reinstated or kept under suspension as per rules, if not already superannuated."

2. In the application, it is alleged that although six months have passed, respondents not have cared to implement the order. Respondents in their reply to the show cause notice conversely tendered unconditional apology for delay in complying with the order. They further submitted that a Writ Petition No.19685 of 2004 was filed before Hon'ble

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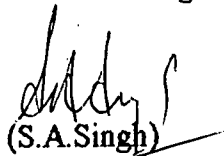
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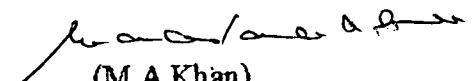
Delhi High Court assailing the order of the Tribunal on the ground that the order of the Tribunal was not workable. The Hon'ble High Court by order dated 14.12.2004 allowed the respondents to move this Tribunal for seeking clarification of the order dated 31.3.2004. The application filed before this Tribunal for clarification of the order today, has been dismissed as withdrawn with leave to file fresh application for direction as per law.

3. The counsel for the applicant has argued that the respondents have not complied with the order of the Tribunal and they are ~~making~~^{causing} unnecessary ~~causing~~^{causing} delay. Conversely, counsel for respondents pointed out that a similar application filed by the respondents seeking clarification of the Tribunal's order, had been dismissed by this Tribunal on 03.03.2005 and the respondents are allowed to file proper application for redressal of their grievance in accordance with law.

4. Today, learned counsel for the respondents stated at the Bar that the respondents have decided to proceed with the enquiry proceedings in accordance with the direction of the Tribunal contained in the order dated 31.3.2004. It is further submitted that if the applicant cooperates, the disciplinary proceeding would be concluded within the next three months' time.

5. Grievance of the applicant seems to be justified. There is obvious delay in implementation of the order. But in view of the submission made at the Bar on behalf of the respondents and tender of unconditional apology on their behalf, we are not inclined to proceed with the matter further. Accordingly, contempt petition is dismissed and notice discharged.


(S.A. Singh)
Member (A)


(M.A. Khan)
Vice-Chairman(J)

/kdr/