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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**C.P. NO. 494/2002
IN
C.P. NO. 274/2002
IN
O.A. NO. 2333/2000**

New Delhi, this the 1st...day of October, 2003

**HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)
HON'BLE MR. R.K. UPADHYAYA, MEMBER (A)**

Shri Rajender Pal Chawla,
S/o Lt. Sh. Sohan Lal Chawla,
F-8, Phase-II, Pocket L, Shaikh Sarai,
New Delhi

(By Advocate : Shri M.L. Chawla)

... Applicant

Versus

Dr. Jagdish Prasad,
Principal & Medical Supdt.,
Safdarjang Hospital,
New Delhi

(By Advocate : Shri S.M. Arif)

... Respondent

O R D E R

BY HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J) :

CP 494/2002 has been filed in the earlier CP (CP 274/2002) which was disposed of by Tribunal's order dated 16.7.2002.

2. We have heard Shri M.L. Chawla, learned counsel for the petitioner and Shri S.M. Arif, learned counsel for respondent.

3. Learned counsel for the petitioner has contented that paragraph-4 of the Tribunal's order dated 25.4.2001 in OA 2333/2000 means that the petitioner should have been afforded a personal hearing as he was to be afforded a

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reasonable opportunity of being heard. His contention has been controverted by the learned counsel for respondent who has submitted that the present CP filed in the earlier CP is not maintainable. The respondent has submitted that an opportunity has been given to the petitioner as per the directions of the Tribunal before passing the order. The learned counsel for the petitioner ^{has} very vehemently submitted that there was no need for the petitioner to ask for the personal hearing because it was the duty of the respondent to hear him. Having not done so, he has vehemently contended that the respondent has committed contempt of the Tribunal's order.

4. After careful perusal of the Tribunal's order in OA 2333/2000 and the order dated 16.7.2002 in CP 274/2002, we do not find any justification to punish the respondent by allowing the prayers made by the petitioner in CP 494/2002. It is also noticed that in the order dated 16.7.2002, the respondent was directed to take a decision on the reply given by the petitioner on the show cause notice issued by him, if the same has not been done till then, as earlier as possible and in any case within two months from the date of receipt of a copy of that order. The respondent has stated in his reply that he has already complied with the order by passing the order dated 30.7.2002. We do not find any wilful or contumacious disobedience of the Tribunal's order.

5. During the hearing, Shri M.L. Chawla, learned counsel, has contended that the penalty imposed on the applicant is a minor penalty i.e. with-holding of one increment with cumulative effect. Having regard to the

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provisions of Rule 11 (iii) (a) of the CCS (CCA) Rules read with clause (v), this contention is rejected.

6. We find merit in the submissions made by the learned counsel for respondent that the present CP (CP 494/ 2002) in CP 274/2002 is not maintainable as the respondent has already passed the necessary order.

7. In the result, CP 494/2002 is dismissed. Notice to the alleged contemner is discharged. File be consigned to the record room.

(R. K. Upadhyaya)
1.10.03

(R. K. UPADHYAYA)
MEMBER (A)

(Mrs. Lakshmi Swaminathan)

(MRS. LAKSHMI SWAMINATHAN)
VICE CHAIRMAN (J)

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