

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

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O.A. No. CCP- 129/90 199
T.A. No.

DATE OF DECISION 3.12.90

<u>Prabir Dasg</u>	Petitioner
<u>Ms. S. Janani</u>	Advocate for the Petitioner(s)
Versus	
<u>Smt. Devika Chitkera and others</u>	Respondent
<u>Mrs. B. Sunita Rao</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. G. Sreedharan Nair, V.C.

The Hon'ble Mr. P.C. Jain, M(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ☒
2. To be referred to the Reporter or not ? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement ? ☒
4. Whether it needs to be circulated to other Benches of the Tribunal ? ☒

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(G. SREDHARAN NAIR)
Vice-Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.C.P.A. 129 of 1990

(Arising out of OA 1507 of 1987)

Date of order 3.12.1990

Prabir Dass

Petitioner

- versus -

Smt. Devika Chitkora and others..

Respondents

CORAM: Hon'ble Shri G.Sreedharan Nair, Vice-Chairman
Hon'ble Shri P.O. Jain, Member (A)

Counsel for the petitioner : Ms. S. Janani.

Counsel for the respondents : Mrs. B. Sunita Rao

ORDER

Hon'ble Shri G.Sreedharan Nair, V.C. :-

In this petition, the applicant in the original application has prayed to initiate contempt proceedings against the Senior Personnel Officer, the 2nd respondent, and for issue of certain directions to the 3rd respondent to take the petitioner on duty immediately, payment of salary as well as to consider extension of tenure.

2. In the reply filed by the respondents, it is stated that pursuant to the final order, orders were passed on 5.5.1990 revoking the suspension of the petitioner but the petitioner refused to receive the notice of the same and under protest he accepted the posting order as Senior Clerk, Headquarters, dated 14.6.1990. It is further stated that towards dues, the petitioner has been provided

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about Rs.42,723/-.

3. Counsel of the petitioner submitted that since the directions in the final order has not been complied with in time, the 2nd respondent has to be proceeded against. We are not satisfied that there is a case for proceeding against either the 2nd respondent or the other respondents.

4. The direction in the final order issued to the 2nd respondent was "to revoke the suspension forthwith and to permit the applicant to join duty". It is stated in the reply that though the revocation was made by the order issued on 5.5.1990, the petitioner refused to accept the notice of the same. Though this plea is denied by the petitioner, it is not disputed that the petitioner has accepted the posting order as Senior Clerk, Headquarters, by the order dated 14.6.1990. In the circumstances, it cannot be said that there has been any wanton flouting of the direction in the final order warranting the initiation of contempt proceedings against the 2nd respondent.

5. As regards the disbursement of dues, it is not disputed that an amount of Rs.42,000/- odd has been received by the petitioner. However, counsel of the petitioner submitted that on a correct calculation, the amount will be something more. In case the petitioner has a case that the entire amount payable to him towards dues has not been paid, it is open to the petitioner to pursue the matter in an original application.

6. Lastly, it was submitted by counsel of the petitioner that the petitioner should have been allowed extension of

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tenure, ^{1/2} we are afraid, that again is a matter not falling within the scope of contempt proceedings.

7. In view of the foregoing, this petition is closed,
and the notice is discharged.

(P.C.Jain)
Member(A)
3/12/90

(G.Sreedharan Nair)
Vice-Chairman
3.12.1990

C.Mahto
3.12.90