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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

DATED FRIDAY THE SECOND DAY OF DECEMBER ONE THOUSAND  
NINE HUNDRED AND EIGHTY EIGHT

C.C.P. 138/88  
in  
ORIGINAL APPLICATION No. 1122/87

PRESENT

Hon'ble Shri S.P. Mukerji                      - Vice Chairman

&

Hon'ble Shri P.K. Kartha                      - Vice Chairman

MADAN VIR SINGH                      .. Applicant

Versus

Union of India and Others                      .. Respondents

O R D E R

S.P. Mukerji, Vice Chairman.

In this C.C.P. dated 29th August, 1988  
the applicant who is an employee of the Bureau of  
Police Research and Development under the Ministry  
of Home Affairs has prayed for contempt of court  
proceedings against the respondents for non-com-  
pliance of the judgment of the Tribunal delivered  
on 22.8.1988 in O.A. 1122/87. The operative portion  
of the judgment reads as follows.

"We, therefore, allow the application and  
set aside the impugned order of Reversion  
dated 18.3.87 and of transfer dated 30th  
March, 1987 and direct that the applicant  
should be taken back to service at Delhi as  
an Assistant with effect from 18th March,  
1987 and granted leave on Medical Certificate  
or otherwise as admissible under the rules  
for the period of absence. The respondents  
will, however, be at liberty to proceed with  
the disciplinary proceedings already instituted  
in accordance with law. There will be no order  
as to costs."

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The applicant states that after the delivery of the  
judgment he submitted a joining report on 26.8.88 to the respondent  
and on the same date also submitted a certified copy

of the judgment. The Joint Assistant Director of Administration of the office did not allow him to sit and work in the office till formal orders from the head office at Chandigarh are received. The applicant states that immediately on his reporting the Joint Assistant Director contacted on phone his immediate superior officer, the Dy. Director.

2. The respondents have clarified that after joining on 26.8.88 the applicant did not attend office till 21.9.88 when he rejoined duty on receipt of the office memo of 20.9.88. They have clarified that the judgment of the Tribunal was received from the applicant on 26.8.88 and the matter was referred to the Head of the Department and from there to the Ministry of Home Affairs on 30.8.88 and the Ministry directed on 19.9.88 that the judgment should be implemented. Accordingly the Memo dated 20.9.88 was issued and the applicant reported to duty on 21.9.88. The applicant was also reinstated as Assistant with effect from 18.3.87 on adhoc basis and his period of absence from 19.10.87 to 16.9.88 was regularised by granting various types of leave.

3. We have heard the arguments of the learned

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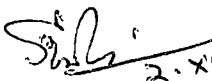
counsel for both the parties and gone through the documents carefully. We are satisfied that there has been no contempt of the orders of the Tribunal. The applicant reported to duty on 26.8.88 and within three days approached the Tribunal for contempt proceedings on 29.8.88. The Bureau of Police Research and Development is a sensitive organisation and it was quite proper on the part of the local officer to seek the advice of the Head office and the Ministry for implementation of the judgment of the Tribunal. There was no time limit fixed by the Tribunal for implementation of the judgment and as soon as the clarification was received from the Ministry the respondents issued orders in implementation of the judgment. He was reinstated with effect from 18.3.87 and the period of absence was regularised. However, since the applicant had joined duty on 26.8.88 and had also produced certified copy of the judgment on that very day, he has to be deemed to be on duty with effect from 26.8.88 itself and the period between 26.8.88 <sup>and</sup> ~~from~~ 21.9.88 has to be treated as waiting period as the applicant cannot be held responsible for <sup>the</sup> ~~time~~ taken in getting the formal orders of joining duty issued by the respondents. In the facts and circumstances we

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dismiss the C.C.P. <sup>and</sup> discharge the notice of contempt  
with the directions to the respondents that the  
period from 26.8.88 to 21.9.88 <sup>has to be</sup> treated as on  
duty with full pay and allowances admissible to  
the applicant.

4. There will be no order as to costs.

  
2/12/88  
(P.K. Kartha)  
Vice Chairman

  
2.12.88  
(S.P. Mukerji)  
Vice Chairman

2.12.1988