

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

Regn. No. CCP-175/88
OA-238/87

Date of Decision 23.2.89.

Shri Naresh Chand

... Applicant.

Versus

Union of India & Ors.

... Respondents.

For the applicant

... Shri R.K. Mehta,
Advocate.

For the respondents

... Mrs. Avnish Ahlawat,
Advocate.

COHAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judicial).
Hon'ble Shri P.Srinivasan, Administrative Member.

JUDGEMENT (ORAL)

(Judgement of the Bench delivered by Hon'ble
Shri P.Srinivasan, Administrative Member)

By this Contempt of Court petition, the applicant complains that the respondents have not complied with an ad-interim order dated 26.8.1988 passed by this Tribunal in MP-1285 of 1988 directing that "status quo on the disciplinary proceedings be maintained" which was continued by us in our order dated 28.10.1988 in which we said, "status quo as of today shall continue till further orders."

2. OA-138 of 1987 filed by the applicant was disposed of by this Tribunal by order dated 11.9.1987. In that order it was held that the departmental proceedings conducted against the applicant which had resulted in the punishment of removal from service were vitiated and as a consequence the said proceedings were set aside. Thereafter, the applicant was reinstated in the post of Head Constable but the Deputy Commissioner of Police, Central District, Delhi, (DCP) directed a fresh inquiry to be conducted against the applicant. The applicant then filed MP-1285 of 1988 seeking, inter alia, a direction from this Tribunal "to restrain the respondents from implementing the threat carried in the impugned order dated 9.3.1988 meaning thereby the order

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of the D.C.P. directing a fresh inquiry. MP- 1285 of 1988 came up before a Bench of this Tribunal on 26.8.1988 when the ad-interim order referred to above was passed for maintaining the status quo in respect of the disciplinary proceedings. Similar orders were passed on 16.9.1988 and 28.10.1988 when MP-1285/88 again came up before this Tribunal.

3. Meanwhile in pursuance of the D.C.P's order dated 9.3.1988 ordering a fresh inquiry, the Assistant Commissioner of Police, New Delhi (A.C.P.), arrayed as Contemner No.3 in the Contempt of Court Petition, issued notice to the applicant to appear before him in connection with the fresh inquiry on 13.10.1988. ^{when} the applicant represented that the fresh inquiry was in violation of the status quo orders passed by this Tribunal, the A.C.P. asked the applicant to appear before him on 18.11.1988.

4. Shri R.K.Mehta, learned counsel for the petitioner in the CCP submitted that the respondents in OA-138/1987 and the A.C.P., New Delhi, an official subordinate to the said respondents had disobeyed the ad-interim orders passed by this Tribunal dated 28.8.1988 and 28.10.1988 by proceeding with the fresh inquiry and calling upon the applicant to appear before the A.C.P. in that connection.

5. Smt. Ahlawat, submitted that the Inquiry Officer did not understand the meaning of the order of this Tribunal. He was under the impression that maintaining the status quo meant that the inquiry could be proceeded with. He had held ^{one} sitting on one day when he took some evidence but thereafter he had not proceeded with the inquiry. The A.C.P. had no intention to disobey the orders of this Tribunal. On the contrary, he was under the genuine impression, though it might be mistaken, that continuing with the inquiry was not prohibited by this

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Tribunal. Mrs. Ahlawat assured us that no further proceedings will be conducted in pursuance of the fresh inquiry.

6. In view of the explanation and assurance offered by Mrs. Ahlawat, we do not consider it worthwhile pursuing the contempt of court proceedings against the respondents. We give the respondents the benefit of doubt. We, however, make it clear that hereafter the inquiry proceedings should not be continued until further orders of this Tribunal and any violation of this order will be viewed with serious concern. With this observation, the Contempt of Court Proceedings are dropped leaving the parties to bear their own costs.

7. MP-1285/88 may now be listed for hearing on 25th May, 1989.

P. Srinivasan 23/2/89

(P. Srinivasan)
Member (A)

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(P.K. Kartha)
Vice Chairman (J)