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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP.No.90/96

in

RA.No.396/93

in

OA. No.1448/88

New Delhi this is the 8th day of July, 1996

Hon'ble Mr A.V. Haridasan, Vice Chairman(J)

Hon'ble Mr K. Muthukumar, Member(A)

Shri Rajinder Mohan,
S/o Late Sh. Ram Parshad
R/o 156, Pushpanjali,
Vikas Marg Extension,
Delhi-110092

... Petitioner

(By advocate: Sh.R.Kapoor)

VERSUS

Shri M.R. Sivaraman,
Secretary,
Deptt. of Revenue,
North Block,
Central Secretariat,
New Delhi.

... Respondent

(By advocate: Sh. V.P. Uppal)

ORDER (ORAL)

Hon'ble Mr A.V. Haridasan, Vice Chairman(J)

This Contempt Petition has arisen out of the final order passed in OA.1448/88 and order in RA.396/93 dated 29.5.1995. The OA was finally disposed of with directions to the respondents that the petitioner should be deemed to have been promoted as Chief Commissioner of Income Tax in the scale of Rs.7300-7600 from the date his immediate

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junior was promoted to the said post, in pursuance of the recommendations of the DPC held on 22.7.1987. The respondents were directed to pay him all the consequential monetary benefits and refix his pensionary benefits accordingly. These directions were to be complied with, as stated in the order, within a period of two months from the date of receipt of a copy of the order. Unfortunately the respondents did not comply with any of the directions of the Tribunal within the said period and, therefore, the petitioner has filed this Contempt Petition stating that the respondents have shown utter disregard of the order of this Tribunal and for the said reason, action under the Contempt of Court may be taken against the alleged contemner, M. R. Sivaraman, Secretary, Department of Revenue who is said to be responsible for the same. Notice was issued on the Contempt Petition. Shri V. P. Uppal, learned Central Government additional standing counsel appeared on behalf of the alleged contemner and an affidavit of M. R. Sivaraman, the alleged contemner has also been filed annexing a copy of the order dated 30.5.1996 complying with the directions. In the affidavit, the respondent has stated that for the purpose of obtaining vigilance clearance etc.

some time was taken and that the delay was not intentional and has prayed that as the order has since been implemented, no further action may be taken. The respondent has expressed his regret and tendered apology for the delay.

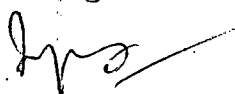
2. Having perused the order on the basis of which the Contempt Petition has been filed and the reply affidavit by M. R. Sivaraman as also the accompanying order, we are of the view that the respondent has not taken prompt action to implement the directions of the Tribunal contained in the order dated 29.5.1995. A person bound by a judgement of the court has to implement the binding directions within the time stipulated in the order. there may be circumstances in which it may not be possible to give effect to the order within the stipulated time. In such cases, the person concerned is at liberty to approach the Tribunal and seek extension of time. If the respondent in this case had any difficulty, administrative or otherwise, in giving effect to the orders of the Tribunal within the stipulated time, he should have approached the Tribunal for extension of time. He has not done it. The reason which has caused the delay, according to the respondent, is that the Annual Confidential Reports of the petitioner could not be traced out in time and vigilance

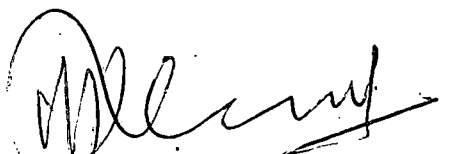
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clearance could not be obtained. Once the Tribunal has held that it should be deemed that the petitioner was promoted to the grade of Chief Commissioner of Income Tax in the scale of Rs.7300-7600 with effect from the date his immediate junior was promoted in the said post, it is not open for the respondents to take a different view by scrutinizing the Annual Confidential Reports and vigilance clearance report. Even the Annual Confidential Reports were missing or bad or even if the vigilance clearance report was not available, in terms of the orders of the Tribunal which has become final, the respondents would have had no option but to implement it. We are not convinced that the implementation of the order was delayed for any sufficient reason. A person occupying as high a position as Secretary to the Government of India should have understood this position. Be that as it may, we accept the feeling of regret and apology tendered by the alleged contemner which we believe comes from his heart. However, we are of the view that the petitioner should be compensated for having driven him to the unpleasant task of filing a Contempt Petition against the respondent.

3. In the result, we dispose of this Contempt Petition without proceeding to frame charge with a direction to the respondent to pay to the petitioner a sum of Rs.1000/- (Rupees one thousand only) as cost, within a period of one month from the date of receipt of a copy of this order.

~~Notices issued on Contempt Petition stands~~
~~discharged.~~


(K. Muthukumar)
Member(A)


(A. V. Haridasan)
Vice Chairman(J)

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