

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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C.P. No. 255/95 in O.A. No. 203/88

Dated New Delhi, this 18th day of December, 1996.

HON'BLE SHRI A. V. HARIDASAN, VICE CHAIRMAN (J)
HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)

I.S. Bhama
S/o Late shri Harchand
R/o A-1/244 Paschim Vihar
NEW DELHI-110063. Petitioner

By Advocate: Shri N. K. Agarwal

versus

Shri Bhaskar Ghose
Secretary to the Government of India
Ministry of Information & Broadcasting
Shastri Bhawan
NEW DELHI-110 001. Respondent

By Advocate: Shri E. X. Joseph

O R D E R (Oral)

Shri A. V. Haridasan, VC (J)

The petitioner in this Contempt Petition had filed three Original Applications, Viz. O.A. No. 761/86, O.A. No. 203/88 and O.A. No. 2339/88. All these applications were disposed of by a common order dated 24.9.1991 giving three directions to be complied with by the respondents. Alleging that the respondents committed a contempt by not giving effect to the directions of the Tribunal and thereby showing defiance to it, the petitioner filed C.C.P. No. 112/93. This CCP was disposed of by order dated 5.4.1994 modifying the directions contained in the order and directing modified directions to be complied with, within six weeks from the date of the order, i.e. 5.4.1994. CCP No. 198/94 had been filed on 1.6.1994 alleging that the

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third direction of the Tribunal had not been complied with. During the pendency of that CCP, the respondents issued an order dated 17.6.1994 purporting to be in full implementation of the directions contained in the judgement as modified by the order in CCP.112/93. The Petitioner thereafter filed a Civil Writ Petition No.540/94 in Supreme Court for speedy justice aggrieved by the alleged delaying tactics of the respondents. CCP.198/94 was disposed of by order dated 6.10.1994 finding that the Tribunal was satisfied that the judgement of the Tribunal dated 24.9.1991 as clarified by the order dated 5.4.1994 in CCP.112/93 had been complied with. The petitioner being aggrieved by the dismissal of the CCP approached the Supreme Court with a Special Leave Petition and, we are informed, that the Special Leave Petition also has been dismissed. Alleging that the directions contained in the order of the Tribunal have not been complied with by the respondents, the petitioner has again filed the present Contempt Petition praying that action may be taken against the respondent for wilful defiance of the directions contained in the Tribunal's order.

2. Notice having been issued, the respondent has filed a reply contending that the directions

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contained in the order of the Tribunal having been faithfully complied with, there is no need or justification in taking any action against the respondent under the Contempt of Courts Act.

3. We have perused the materials available on record and have heard the learned counsel for the petitioner at considerable length. We have also heard Shri E. X. Joseph, the learned counsel for respondent. The ground taken in CCP198/94 was that the respondent committed a contempt by not implementing the directions contained in the order of the Tribunal dated 24.9.1991 as clarified by the order dated 5.4.1994 in CCP.112/93. The Tribunal dismissed the CCP and discharged notice issued to the respondent finding that it was satisfied that the respondent had implemented the directions contained in the order of the Tribunal dated 24.9.1991 as clarified by the order in CCP.112/93 dated 5.4.1994. The Special Leave Petition filed against the said dismissal of the CCP, has been dismissed. Therefore, there is nothing to show that the respondent has defied the orders of the Tribunal. Once the Tribunal has, on the allegations made by the petitioner, found that there was no need to take any action under the Contempt of Courts Act as the respondent had already complied with the directions of the

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Tribunal, it is a futile exercise to ask the Tribunal to take action under the Contempt of Courts Act on the same set of allegations. The learned counsel of the petitioner states that the fact remains that the entitlement of the petitioner has not been met by the respondents at least and, therefore, it is a fit case to give some directions to the respondent for implementation of the order.

4. We have seen the Supreme Court's order which is at page 33 of the paper book. The Supreme Court in the Order has observed as follows:-

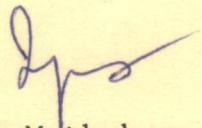
"... It need hardly be mentioned that the extent of the relief to which the petitioner may be entitled is not a matter for examination in the present cases wherein the limited scope is of a verification about the compliance of the direction given by the Tribunal. The observations made herein are limited to this extent."

Here also the question whether the petitioner is entitled to any relief under the judgement is not a matter that we have to consider ourselves in this Contempt Petition. What is germane is whether there is a wilful defiance to comply with the directions contained in the order of the Tribunal.

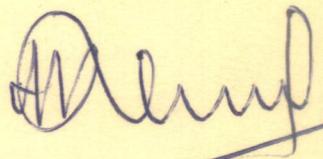
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As observed earlier, on the very set of allegations in CCP.198/94, the Tribunal found that the order had been complied with and, therefore, we do not find any reason for entertaining this Contempt Petition and taking further action against the

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respondent. The Contempt Petition, therefore, fails and is dismissed. Notice on the Contempt Petition is discharged.



(K. Muthukumar)
Member(A)



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

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