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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

Dated. 13.12.1990.

C.C.P. No. 184 OF 1990

In

O.A. No. 949 OF 1988

Shri Sat Pal Singh Applicant.

Vs.

Delhi Administrative through
Lt. Governor of Delhi & Others Respondents.

Coram:

Hon'ble Mr. Justice Amitav Banerji, Chairman.

Hon'ble Mr. I.K. Rasgotra, Member (A).

For the applicant Shri S.C. Luthra, Counsel.

For the respondents Shri M.M. Sudan, counsel.

(Order of the Bench delivered by Hon'ble
Mr. Justice Amitav Banerji, Chairman)

This CCP has been filed by Shri Sat Pal, applicant
in OA No. 949/1988 for non-implementation of the judgement
dated March 13, 1990.

The applicant was a Sub-Inspector in Delhi Police
and had filed the above O.A. for seeking redress against
an order by which he had been reduced to the rank of
Assistant Sub-Inspector. The OA was heard by a Division
Bench and allowed. It was held that the order of de-novo
enquiry was wholly without jurisdiction and the subsequent
enquiry and disciplinary proceedings thereafter
will also fail. The Division Bench has ordered the

setting aside of the entire enquiry proceedings after 25.5.1986, the dismissal order dated 14.10.1987 and the appellate order passed by the Additional Commissioner of Police, Southern Range, New Delhi dated 26.2.1988. A further direction was issued that the applicant would be entitled to full pay and allowances from 20.11.1984 less what he has already been paid. Another direction was issued that the applicant be paid arrears of his pay and allowances due to him within a period of four months from the date a copy of this order is served on the respondents.

In this CCP filed on 21.8.1990 the applicant has stated that after a lapse of five months from the date of the judgement, the respondents have not implemented the same nor have they taken any steps to refix the pay which became due to the applicant and they have also not paid the arrears of pay and allowances as directed by the Tribunal. The applicant has further alleged that he is superannuating on 30.11.90 and unless his pay is refixed in the light of the judgement, his pensionary benefits would not be finalised and he would be put to pecuniary loss.

Notice was directed to issue on the CCP on 6.11.90. Counsel for the respondents, Shri M.M. Sudan stated that the respondents in the OA had filed a SLP in the Supreme Court and it was likely to be listed for orders in the 2nd week of January, 1991. He, therefore, prayed that

the CCP may come up for hearing thereafter. The Division Bench hearing the CCP passed an order on 25th November, 1990 that the Tribunal's orders had not been implemented till then. Further the SLP had neither been admitted nor was any order passed by the Supreme Court staying the operation of the order. The Bench also expressed an opinion indicating its inclination to extend time to implement the order of the Tribunal dated 13.3.1990. A direction was issued to the two respondents named in the CCP to be present in person and their reply should also be filed on that date. This order was passed in the presence of the counsel for the respondents.

When the matter was called out, Shri M.M. Sudan appearing for the respondents stated that the respondents have filed a detailed reply to the Contempt Petition and have reported compliance of the order of the Tribunal. It was urged that since the order had been implemented, the respondents may be exempted from their personal appearance. We have looked into the affidavit filed on behalf of the respondents today and it appears that a sum of Rs. 29,865/- has been paid to the petitioner towards arrears of pay etc. before retirement. We are also satisfied from a perusal of the affidavit at Annexures R1, 2 and 3 that there has been a compliance with the order dated 13.3.90 passed by the Tribunal.

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Sh. S. C. Luthra, counsel for the petitioner contended that the month's salary due to the applicant had not been paid. Shri Sudan in reply stated that the applicant was actually not entitled to that month's salary but even the same has been paid and included in the sum of Rs. 29,865/-.

We are satisfied from the above that there has been a compliance of the orders of the Tribunal. In this view of the matter, this CCP must fail and the notice issued to the respondents must be discharged.

In the result, the CCP is dismissed and the notice issued to the two named respondents is discharged.

Sukanya
(I.K. RASGOTRA)
MEMBER (A)
13.12.90.

AB
(AMITAV BANERJI)
CHAIRMAN
13.12.90.