

(15)
(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

CCP 333/92 in
DA 1472/89

DATE OF DECISION: 17.2.1993

Fajru Khan.

... Petitioner.

Versus

Delhi Admn. & Anr.

... Respondents.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

... Shri George Parkin, proxy
for Shri J.P. Verghese,
Counsel.

For the Respondents.

... Shri D.K. Sharma,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

The direction in the judgement, violation of which is complained, is that the petitioner shall be taken back in service in Delhi Police at the same stage at which the order of termination of his service was passed. The direction also says that the authorities may consider as to whether it is feasible to give credit to the training already taken by the petitioner or they feel it necessary for the petitioner to take the entire training from the beginning. Time for compliance was two months. The respondents have stated that when the petitioner's termination took place as he was undergoing training, the direction being to take him back in service in Delhi Police at the same stage at which the order of termination from service was passed, they were justified to reinstate the petitioner in service from the date of termination of his service treating the intervening

period
as not spent on duty. This stand taken by the respondents is right. They have further stated that they did not find it possible to give only part of training ^{giving credit in the training} already taken by the petitioner and, therefore, the petitioner has to take the entire training. There is no direction to the respondents to act in a particular manner and the discretion was given to them to act in the best possible manner. Hence, the respondents have decided to put the petitioner for the entire training. The fact that /it is not possible to give piecemeal training does not establish that the respondents have committed any contempt in this case. The only other complaint is that the judgement has not been complied with within the prescribed period of two months. It is evident that the judgement has been complied with long after the expiry of two months. The respondents did not justify their lapse. It is in this background they prayed that they should be excused for the delay in complying with the judgement. In the circumstances, we accept the regret tendered. As the judgement of the Tribunal has substantially been complied with, the question of taking action under the Contempt of Courts Act does not arise.

2. So far as working out his rights in the appropriate proceedings are concerned, we need not express any opinion at this stage. As the petitioner has been reinstated in service as per ^{the} directions of the Tribunal, no action under the Contempt of Courts Act is called for. Hence, these proceedings are dropped.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

V.S. Malimath
(V.S. MALIMATH)
CHAIRMAN