

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P No. 71 of 1991 in
O.A. No. 474 of 1989.

Date of decision 24.10.91

Bachi Singh

.....Petitioner.

Vs.

Mr. Arun Bhagat,
Commissioner of Police,
Police Head Quarters, I.P. Estate,
New Delhi.

.....Respondent.

For the Petitioner

- Mrs. Pankaj Kalra, Advocate.

For the Respondent

- Mr. M.C. Garg, Advocate.

B.S. SEKHON:

Applicant in O.A. No. 474 of 1989 entitled Bachi Singh Vs. Union of India & others (Petitioner here-in) has preferred the instant Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985 read with Sections 11 and 12 of the Contempt of Courts Act, 1971 for initiating contempt of court proceedings against the Respondent. As per the case set up by the Petitioner, Respondent is deliberately not complying with the judgment dated 6.12.1990 made in the aforesaid O.A. (copy at pages 11 to 14 of the Paper book). As per the operative portion of the aforesaid judgment, the order dated 21.11.1985 as confirmed in appeal and revision was quashed. It was also directed that the Applicant shall be reinstated in service forthwith and Respondents shall pass orders in accordance with law and having regard to this order, as to how the period of suspension from 13.3.1984 to 21.11.1985, as well as the period from 22.11.1985 till the reinstatement of the Petitioner was to be treated.

24

S.L.P. filed against the aforesaid judgment was admitted in the Supreme Court on 24.7.1991. The Apex Court was also pleased to grant stay.

2. When the Petition came up for hearing today, the learned counsel for the Respondent stated that the S.L.P. filed by the Respondent has been dismissed by the Supreme Court and Respondents have also complied with the judgment dated 6.12.1990 by making order No. 6189-6210/Estt. (P)/ND, dated 4.10.91. The learned counsel also placed on record copies of the order made by the Apex Court dismissing the S.L.P. as also that of the order dated 4.10.91. A copy of the order dated 4.10.91 was also shown to the learned counsel for the Petitioner who stated that the judgment of the Tribunal has not been complied with fully. When a specific query in this behalf was made from the learned counsel for the Respondent, the learned counsel stated that the remaining portion of the judgment will also be complied with within 4 weeks from today.

3. In view of the foregoing, it is manifest that even though the judgment dated 6.12.90 has not been complied with fully, even so it cannot be stated that the Respondent is disobeying the directions contained in the judgment. Respondents have complied with the judgment to a substantial extent. The delay in the compliance made so far appears to be due to the pendency of the S.L.P. and the stay granted by the Supreme Court. In these circumstances, there is little justification in continuing further proceedings in the Contempt

Petition. Respondent is, however, directed to comply with the remaining portion of the judgment within a period of 4 weeks from today.

4. In the premises, Contempt Petition is hereby dismissed and the notice issued to the Respondent is hereby discharged. This order will not preclude the Applicant from seeking such remedy as the Applicant may feel advised to seek if he feels aggrieved by the order to be made for compliance with the remaining portion of the judgment. No costs.

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

24/10/91

B. S. Sekhon
(B.S. SEKHON)
VICE CHAIRMAN

24-10-91