

Central Administrative Tribunal
Principal Bench, New Delhi

New Delhi this the 28th day of July 1995.

CP No. 97/95
in OA No 673/89

Hon'ble Mr A.V. Haridasan, Vice Chairman (J)
Hon'ble Mr R.K. Allooja, Member (A)

1. Prabhu Lal
R/o 5/171 Lalita park
Laxmi Nagar
Delhi

2. Mam Raj
R/o 407, Chirag Delhi
New Delhi.

...Applicants.

(By advocate: Shri S.K. Bisaria)

Versus

1. Shri T.S. Srinivasan
Chairman
Central Board of Direct Taxes
North Block, New Delhi.

2. Shri Ravi Kant
Chief Commissioner
C.R. Building
IP Estate, New Delh.

...Respondents.

(By Advocate: Shri V.P. Uppal)

O R D E R (Oral)

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

This contempt petition arose in OA No. 673/89 and OA No. 1085/89 disposed of by a common order dated 25.3.94. The above said OAs were disposed of with a direction to the petitioners to file an appropriate representation within one month from that date after furnishing relevant facts and materials in support of their case and furnishing reasons in support of their claim, and with directions to the respondents to examine the case afresh and to pass a reasoned order after giving an opportunity to other persons likely to be affected by any decision that they may take in regard to the assignment of appropriate seniority to the petitioners. It was noted that having regard to the complexity of the matter, it would be appropriate that the authorities should dispose of the representation as expeditiously as ^{reasonably} ~~reasonably~~ possible.

2. Finding that the representation submitted by the petitioners were not disposed of, the petitioners have come to this Tribunal by means of this civil contempt petition praying that action may be initiated against the respondents for their wilful defiance of the directions contained in the order.


3. A counter affidavit has been filed on behalf of the respondents. It has been indicated in the affidavit that the representations submitted by the petitioners have been considered after notice to the affected parties in obedience to the directions contained in the final order which owing to the complexity of the question took some time and speaking orders have been communicated to the petitioners and therefore no action may be taken under contempt of court against the respondents. The orders passed by the respondents are also annexed as Annexure R-6 and R-7. These orders are dated 6th july 1995.


4. We have heard learned counsel for the petitioners as also the counsel appearing for the respondents. We find that though after filing of the CCP, the respondents have passed orders on the representation submitted by the petitioners, going though the orders Annexure R-6 and R-7, we find that the respondents have given the reason for the decision taken by them.

5. Learned counsel for the petitioners argued that the reasons given in the orders are not plausible and that the reliance placed by the respondents for reaching the conclusion on orders ^{which} had already been struck down is misplaced and for that reason alone it can be held that the respondents have not implemented the directions contained in the judgement in its true letter and spirit. Under the circumstances, learned counsel for the petitioners argued that it is just and proper ^{that} contempt action is initiated against them. We are not persuaded to agree to this argument. The Tribunal had directed to dispose of the representations after re-examination of the issues and to pass reasoned orders. The reason given in the orders at Annexure R-6 & R-7 may be or may not be correct, but that is not a reason or ground to initiate action for contempt of court. So long as the respondents have implemented the directions contained in the order in as much as the representations had been disposed of and reason had been given as to how they came to the

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conclusion, we are of the considered view that the respondents cannot be
~~Proceeded against~~
faulted for contempt. We note that the representations were disposed of
after a very long time, but a reading of the order itself would clearly
indicate that the Tribunal when ^{it} passed the order had taken note of the
complexity of the matter and the delay that might be involved in proper
disposal of the ^{representations} application. Under the circumstances after hearing either
side, we are satisfied that there is no reason or justification to
proceed against the respondents under the contempt of court. ^{AVH} The Contempt
Petition is dismissed and the notice is discharged. It is made clear that
if the petitioners are not satisfied with the orders disposing of their
representation, they are at liberty to agitate this issue in
appropriately instituted proceedings.


(R.K. Ahooja)
Member (A)


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

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