

(X)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
N.DELHI

REGN. NO. CCP. 205/93 in
D.A. 1868/89

DATE OF DECISION: 5.7.1993

Zile Singh.

... Petitioner.

Versus

Chief Secretary,
Delhi Administration,
Delhi.

... Respondent.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN,
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the Petitioner.

Shri R.N. Tanwar, Counsel.

JUDGEMENT (ORAL)

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

The complaint in this case is that the order of the Tribunal in D.A. 1868/89 dated 13.12.1991 has been contumaciously violated justifying action under the Contempt of Courts Act. By the said order, the Tribunal quashed the order imposing the penalty passed by the disciplinary authority as also the order of the appellate authority confirming the same. The Tribunal further observed that this shall not preclude the disciplinary authority from reviving the departmental proceedings and continuing with it in accordance with law from the stage of supply of the Enquiry Report to the delinquent. Thus, it is clear that though the orders imposing penalty have been quashed, liberty has been reserved to continue the departmental proceedings after supplying the Enquiry Report. From the papers now placed before us, it is clear that the authorities have taken a decision to continue the departmental enquiry and for that purpose they have supplied a copy of the Enquiry Officer's report and issued a show cause notice

to the petitioner. The show cause notice issued on 17.9.1992 is produced as Annexure C-III. The petitioner says that he has given his own reply as per Annexure C-IV dated 16.11.1992. According, to the petitioner no final order has yet been passed by the respondents in the disciplinary proceedings against him. In this background, it is difficult to accede to the contention of the petitioner that the respondents have committed contempt requiring/under the Contempt of Courts Act, liberty having been specifically reserved for continuing the disciplinary proceedings. The ^{their} authorities were well within/right in continuing with the disciplinary proceedings after supplying ~~the~~ copy of the Enquiry Officer's report. The petitioner himself says that he has also filed his reply. It is, therefore, obvious that the authority has to take a decision in the disciplinary proceedings after considering the cause shown by the petitioner in his reply. That no final order has ^{yet} been made after a reply was given on 16.11.1992, in our opinion, is not a good ground for taking action under the Contempt of Courts Act. We, therefore, decline to interfere and drop these proceedings.

Adige
(S.R. ADIGE)
MEMBER(A)

Malimath
(V.S. MALIMATH)
CHAIRMAN

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