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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 8 of 1996

in

O.A. NO.315 of 1990

New Delhi this the 12th day of January, 1996.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shiv Raj Singh S/O Hukam Chand,
R/O House No.272,
Village Naharpur,
Delhi-110034.

... Petitioner

(By Shri G. D. Gupta, Advocate)

-Versus-

Shri Nikhil Kumar,
Commissioner of Police,
Police Headquarters,
M.S.O. Building,
I.P. Estate,
New Delhi-110002.

... Respondent

O R D E R (ORAL)

Shri N. V. Krishnan, Acting Chairman —

Contempt is alleged in respect of non-compliance of the directions given in para 10 of the Annexure P-1 order dated 16.1.1995. The Tribunal directed the revisional authority to pass a fresh order of punishment. There was also a direction that the petitioner should be treated as continuing on the post of Head Constable with consequential benefits of salary.

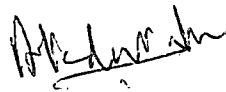
2. In pursuance of the above directions, the Commissioner of Police passed an order Annexure P-2 dated 24.8.1995 reducing the applicant in rank from Head Constable to Constable for a period of two years with prospective effect. The contempt is alleged in respect of non-compliance of the order to treat the applicant as continuing on the post of Head Constable and giving him salary on that basis.

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The applicant could have brought this to the notice of the Commissioner of Police. We are of the view that this is not a fit case where notice in contempt should be issued. In our view, the proper course for the petitioner is to file a representation with the Commissioner regarding the lacuna in the orders dated 24.8.1995, Annexure P-2, inasmuch as no direction has been given for paying salary as Head Constable till the Annexure P-2 order was passed. The representation shall be made by the petitioner within a period of two weeks from the date of receipt of this order, and if such a representation is made, the respondent shall dispose it of within a period of two months thereafter.

3. The contempt petition is disposed of accordingly.



(Dr. A. Vedavalli)
Member (J)



(N. V. Krishnan)
Acting Chairman

/as/