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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 169/1996
in
O.A. NO. 606/1991

New Delhi this the 14th day of August, 1996.

HON'BLE SHRI JUSTICE A. P. RAVANI, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Ex-Constable Kishan Lal S/O
Hira Lal, R/O S-8,
Harishchand Mathur Lane,
Janpath, New Delhi. ... Applicant

(By Mrs. Pankaj Bala Verma, Advocate)

-Versus-

Dr. Aditya Arya,
Deputy Commissioner of Police,
New Delhi District,
Parliament Street,
New Delhi-110001. ... Respondent

O R D E R (ORAL)

Shri Justice A. P. Ravani —

Learned counsel for the respondent states that pursuant to order dated March 11, 1996 passed by the Tribunal in O.A. No. 606/91, the applicant has been ordered to be reinstated in service as per order dated August 12, 1996. The learned counsel for the respondent states that the copy of the order dated March 11, 1996 passed by this Tribunal was received by the respondent on March 26, 1996. Thus, within a period of one month from March 26, 1996 the direction given by this Tribunal should ^{have} been complied with. Obviously, there is delay of about four months in complying with the direction given by the Tribunal. Learned counsel for the respondent states that the respondent had to approach the Hon'ble Supreme Court in S.L. against the order of the Tribunal and the said order

has been dismissed on August 12, 1996. In view of this position, it is submitted that delay has taken place. We do not accept the explanation inasmuch as filing of S.L.P. in the Supreme Court does not entitle the respondent to get the time extended. If the respondent wanted to get the time extended he ought to have moved the Tribunal and requested for extension of time for compliance of the order. Thus, there is disobedience of the order of this Tribunal. However, in the facts of the case, we do not think it proper to initiate action for contempt against the respondent. The learned counsel for the respondent has fairly conceded on instructions that the respondent is prepared to abide by the order that may be passed by the Tribunal as regards payment of backwages for the interregnum period. In view of this fair attitude taken by the respondent, we are not inclined to initiate action for contempt against the respondent. In our opinion, ends of justice would be met if the following directions are given and the application for contempt is disposed of :-

- (1) The respondent is directed to make payment of the amount of wages for the period commencing from April 26, 1996 till the date of joining of the applicant. The applicant is directed to join on the post within a period of one week from today, i.e., latest by August 21, 1996.

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- (2) The respondent is directed to see that no obstruction whatsoever is caused in the way of the applicant in joining the duty pursuant to the order dated August 12, 1996.
- (3) If the amount as stated in (1) above is not paid to the applicant latest by August 31, 1996, it shall carry interest at the rate of 18% per annum from the date of this order till the date of payment.

2. Subject to the aforesaid observations and directions, the contempt petition stands disposed of.

Copy of this order be supplied to the parties Dasti.

Receives
(R. K. Anooja)
Member (A)

yj
(A. P. Ravani)
Chairman

/as/