

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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C.P. NO. 383/1997
in
C.P. NO. 227/1994
in
O.A. NO. 1256/1992

New Delhi this the 14th day of July, 1998.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Henry Johnson J. S.,
R/O E/10-D, MIG Flats,
Mayapuri,
New Delhi-110064.

... Applicant

(By Shri Ashish Kalia, Advocate)

-Versus-

1. Shri S. D. Awale,
Joint Secretary,
Ministry of HRD (Technical),
Shastri Bhawan,
New Delhi-110001.

2. Ms. Janak Juneja,
Director, Technical Education,
Block No. 2, Sales Tax Bhawan,
I.P. Estate,
New Delhi-110002.

... Respondents

(By Shri K. R. Sachdeva and Shri S. K. Gupta,
Advocates)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

The learned counsel for applicant made a prayer for adjournment on the ground that Shri R. L. Sethi has to argue this case. The prayer for adjournment is opposed.

2. On 18.5.1998 and 25.5.1998, the case was adjourned at the request of the learned counsel for applicant. It is a contempt matter. After the

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alleged contempt is brought to the notice of the court, it is not necessary for the applicant or his counsel to argue the case. He can only assist the court only if such assistance is required. We feel that on the basis of opposition to the request for adjournment and further statement that the order has been complied with, we are of the view that this matter can be disposed of after looking to the directions made and the compliance report submitted for and on behalf of the respondents. The prayer for adjournment is accordingly rejected.

3. Heard the learned counsel for respondents and perused the record. This contempt petition was filed for non-compliance with the order dated 14.7.1993 of the Tribunal in OA No. 1256/92 and another order in C.P. No. 227/94 decided on 10.10.1996.

4. The directions made in OA No. 1256/92 were as follows :-

"Under the circumstances, the Respondents are directed to expedite their internal exercise and examine the case of the applicant and consider the case in accordance with the Rules. This exercise may be completed within three months."

Ym.

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5. We do not find that any directions were made in CP No. 227/94 in OA No. 1256/92 except the following observations in paragraph 2 of the order :-

"....We find that there has been a delay in furnishing to the Government of India the details which were necessary for completion of the internal exercise because as the judgement was rendered in the year 1993, the first step was taken on 6.1.1995 but for this delay Dr. Janak Juneja, the 2nd respondent cannot be held responsible as she joined the post only in December, 1995. We note that after her taking over as Director of Technical Education she has been following up the matter with due diligence. She also undertakes that a copy of the Luthra Commission Report shall also be sent to the Ministry of Human Resources Development without any delay and further action as and when approval of the Government of India is obtained would be completed at her end."

6. The first respondent in this CP has stated on affidavit that he was not party to the earlier contempt proceedings though Joint Secretary was joined as a party in the O.A. First respondent has further stated that no action was pending with the Ministry of Human Resources Development in the present case as explained in the Ministry's communication dated 20.1.1998 addressed to the Government of Delhi, and that the appropriate further decision was to be taken by the Delhi Administration.

7. The second respondent is in the employment of the Delhi Administration. His reply shows that compliance has been made by passing a speaking order on 27.2.1998.

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8. In the light of the counters aforesaid filed by the respondents separately, we are of the view that nothing subsists in this contempt petition. Accordingly it is hereby dismissed. Rule nisi, if any, shall stand discharged against both the respondents.

Km

(K. M. Agarwal)
Chairman

R. K. Ahooja

(R. K. Ahooja)
Member (A)

/as/