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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

....

Registration Contempt Application No. 14 of 1990

In

O.A. No. 163 of 1986

Amir Ahmad ... Applicant

vs

P.K. Lahiri and others... Op.Parties.

Hon'ble Mr K. Chayya, A.M.

Hon'ble Mr S.N. Prasad, J.M.

(Hon' Mr K. Chayya, A.M.)

This contempt application has been filed for non compliance of the order and judgment dated 15-7-88 in O.A. No. 163/86 . The applicant Amir Ahmad who is a Senior Geologist in Geological Survey of India at Lucknow, has filed the said original application aggrieved by denial of promotion to him, due to pendency of disciplinary proceedings and vigilance inquiry. After considering the matter on merits, the case was disposed of by direction to the respondents to conclude the disciplinary proceedings within 4 months from the date of receipt of a copy of the order provided the applicant cooperates. There was also direction for considering the case of the applicant as per rules for promotion by the D.P.C. at its next sitting to be held in future.

2. It is stated in the contempt application, that the applicant made several representations to the respondents for compliance of the above directions but there has been no progress in this case.

3. The O.P. contemners filed their affidavit denying allegations of delay or non compliance of the Tribunals' order.

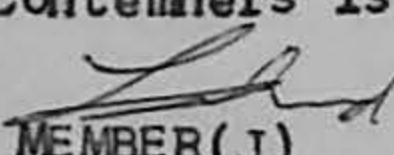
4. We have heard the applicant who himself argued his case at considerable length and Shri Ashok Mohiley the learned counsel on behalf Opposite Parties-contemners. It is stated in the affidavits of the O.P.-contemners that immediately after receipt of a copy of the order in O.A. No. 163/86, they filed a review petition No.37/88 which was rejected by order dated 28-4-89 and their request for extension of time was also rejected. Thereafter, the inquiry in the disciplinary proceedings against the applicant was taken up and the inquiry was held on various dates between 9-5-89 to 7-12-89. The inquiry had to be held at Jammu, Shri Nagar and Delhi to facilitate the examination of witnesses. It is also stated that the delay was also due to the non-cooperation of the applicant who raised some objections or the other and also wanted Board of Inquiry to conduct the inquiry. These objections had to be referred to Headquarters at Delhi and also the Ministry. As suitable replies were to be given to the applicant, It is also stated that delay in finalising the inquiry was also due to factors beyond the control of the administration as the law and order situation in Jammu and Kashmir was so disturbed and even registered letters were not accepted by the Postal Authorities and also the matter had to be referred to various administrative wings like C.B.I., C.B.C. etc. and that every possible effort was made by the administration

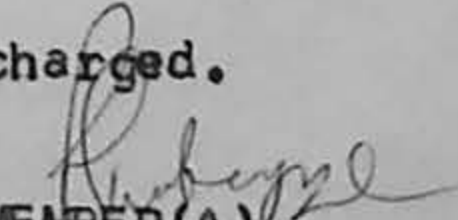
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to complete the proceedings in the shortest possible time.5.

5. Regarding the promotion of the applicant it is stated that the case of the applicant was considered by the D.P.C. held on 8-2-90. The applicant could not be promoted as the vacancies were only 19 and his seniority position was 52 and that no junior to the applicant was promoted.

6. We have carefully gone through the affidavits filed by the Op.Ps- Contemners, We have also examined the D.P.C. proceedings and copy of the inquiry report shown to us by the learned counsel for the Op.P. Contemners. The case of the applicant was considered by the D.P.C. and he could not be promoted as he was too junior. The disciplinary inquiry has also been completed. Having given our anxious consideration, we are convinced that the delay on the part of the O.P. Contemners in complying with the order of the Tribunal in O.A. No. 163 of 1986 is not wilful ⁺ what was necessitated due to extra-ordinary circumstances prevailing in Jammu and Kashmir State and also involvement ^{etc} of more than one Ministry, C.B.I, C.V.I. in finalisation of the matter. Mere delay in complying with the order of the Tribunal does not constitute a contempt. The delay has to be deliberate and wilful. We do not find that a case is made out for contempt proceedings against the O.Ps-Contemners. The contempt petition fails and the notice issued to the Contemners is hereby discharged.


MEMBER(J)


MEMBER(A)

(sns)
July 15th, 1991