

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Civil Contempt Application No. 179 of 1994

In

Original Application No. 735 of 1994

Allahabad this the 16th day of October 1996

Hon'ble Dr. R.K. Saxena, Member (Jud.)
Hon'ble Mr. D.S. Baweja, Member (Admn.)

Dr. K.P. Singh (Scientist), S/o Late Sri Baburam,
Division of Seed Technology, Indian Grassland and
Fodder Research Institute, Jhansi.

APPLICANT.

By Advocate Sri S.K. Tyagi

Versus

1. Dr. R.S. Paroda, Director General, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi-110002.
2. S.S. Rana, Director(Personnel), ICAR, Krishi Bhawan, New Delhi - 110002.

OPP. PARTIES

By Advocate Sri J.N. Tiwari.

ORDER (Oral)

By Hon'ble Dr. R.K. Saxena, Jud. Member

These proceedings of contempt started on the application of Dr. K.P. Singh. The allegations made in the application are that the opp. parties failed to comply with the Judgment in O.A. No. 735/94 Dr.K.P. Singh Vs. Union of India and Others' given by the Tribunal on 10/5/94. The direction was that the respondents in the O.A. should decide the representation of the applicant by speaking order within the period of three months.

2. The opposite parties filed the counter-affidavit

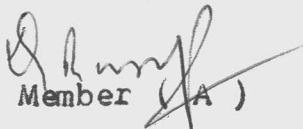
in which it is pleaded that no contempt was committed because the copy of the Judgment dated 10/5/94 of the Tribunal alongwith the copy of the representation dated 23.3.94, was forwarded by the applicant to the Director(Personnel) on 18.6.94. It was received on 20/6/94 and the representation was decided on 29/9/94.

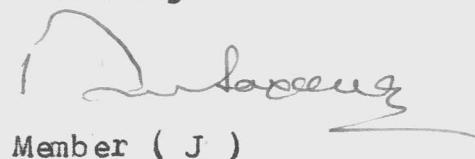
3. The applicant filed rejoinder and it was averred that the plea taken in the counter-reply was incorrect and false.

4. After the pleadings were completed, the matter was listed for final hearing vide order dated 21.3.1996. On 18.4.96, the matter could not be taken up because there was no sitting and was adjourned to 25.7.96 where there was no sitting and was adjourned to 11.9.96 when again none appeared for the applicant. It was thereafter adjourned to this date when none appeared for the applicant while Sri N.P. Singh proxy counsel to Sri J.N. Tiwari counsel for the opposite parties is present. It appears that the applicant is not interested in the matter. We have heard the proxy counsel for the opposite parties.

5. The main question in this case is whether the compliance of the directions given by the Tribunal in the Judgment of O.A. No.735/94 Dr.K.P. Singh Vs. Union of India and Others, decided on 10/5/94, were complied with by the opposite parties within the stipulated period of time. It has been clearly

mentioned in the counter-affidavit that the copy of the Judgment dated 10/5/94 of the Tribunal alongwith the copy of representation dated 23.3.94, was forwarded by the applicant to the Director (Personnel) on 18.6.96 and was received there at on 20/6/94. It is further contended that the representation was disposed of on 29/9/94. The contention of the learned counsel for the opposite parties, therefore, is that ~~if~~[&] there was any delay, ~~it was~~[&] only of 9 days in compliance with the directions. The applicant has failed to establish any material or substantial non-compliance on the part of the opposite parties. If 9 days more were taken in disposal of the representation, it does not constitute disobedience, [&] Therefore, the contempt proceedings are dropped and notices discharged.


Member (A)


Member (J)

/M.M./