

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

Contempt Petition(civil) No. 28 of 1992

In
Original Application No. 216 of 1991

versus

Colonel Balasubramaniam, Commanding Officer,
Central Command Signal Regiment, Lucknow.

Respondent.

HON. MR. S.N. PRASAD, JUDICIAL MEMBER.

HON. MR. V.K. SETH, ADMN. MEMBER.

(Hon. Mr. S.N. Prasad, J.M.)

This contempt petition has been filed by the applicant for taking punitive action against the respondent for non-compliance of the directions contained in the judgment and order dated 4.11.91 passed by this Tribunal in O.A. No. 216 of 1991. Para 4 of the aforesaid judgment and order dated 4.11.91 which is relevant and which includes operative portion of the said judgment and order reads as follows:

"It appears from the office Memo of Ministry of Defence in which a direction was issued. Department regarding the regularisation of services of the casual workers that while considering such regularisation a casual worker may be given relaxation in upper age limit only if at the time of initial recruitment he or she had not crossed the upper age limit for the

relevant post. Accordingly we direct the respondents to consider the applicant's case if she is entitled for age relaxation, as per the instruction given by the Department, and re-appoint her. No order as to costs."

2. We have heard the learned counsel for the parties and have thoroughly gone through the records of the case.

3. The learned counsel for the applicant while drawing our attention to the directions and also the guidelines contained in the O.M. no. 49014/1988(Estt.)(C) dated 7.6.88 of Government of India, Department of Personnel and Training and to the contents of the aforesaid judgment and order dated 4.11.91 passed by this Tribunal in O.A. No. 261 of 1991, has argued that the respondents inordinately delayed the matter of compliance of the directions contained in the aforesaid judgment and order dated 4.11.91 and not considered the matter from the proper perspective as intended by the Tribunal as per directions contained in the aforesaid judgment and order dated 4.11.91 ; and as such punitive action be taken against the respondents.

4. The learned counsel for the respondent while drawing our attention to the contents of the affidavit and supplementary affidavit of the respondents and while drawing our attention to Annexure 2 to the Supplementary affidavit of the respondent, has argued that there has been no defiance of the directions contained in the judgment and order of this Tribunal dated 4.11.91

and the matter has been considered in the light of policy guidelines and directions contained in the aforesaid O.M. dated 7.6.88 and there has been no any intentional or deliberate delay in complying with the directions contained in the aforesaid judgment and order passed by this Tribunal in the aforesaid O.A. no. 216 of 1991; and as such notices issued to the respondent be discharged.

5. This is noteworthy that a careful perusal of the directions contained in the aforesaid judgment and order dated 4.11.91 and a perusal of the order dated 17.7.92 and 24.5.93 and perusal of Annexures A-1 and A-2 to the Supplementary Counter Affidavit of the respondents and keeping in view the view points as set out in the Contempt Petition No. 28 of 1992, we find that there has been no intentional or deliberate delay on the part of the respondents in complying with the directions contained in the aforesaid judgment and order dated 4.11.91 passed by this Tribunal in the aforesaid O.A. No. 216 of 1991; and we find that the respondent has made compliance of the above directions of this Tribunal, and we find that no contempt has been made out by the respondent.

6. Consequently, this Contempt Petition No. 28 of 1992 is hereby dismissed and the notices issued to the respondent is hereby discharged.

W. S.
ADMN. MEMBER.

JUDICIAL MEMBER.

Lucknow:Dated: 19th Jan, 94
Shakeel/

19.1.94