

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P.NO.95/96 in OA.NO.185/96

Monday this the 30th day of March, 1998

CORAM : Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman
Hon'ble Shri P.P.Srivastava, Member (A)

Baijnath Yadav

By Advocate Shri M.S.Ramamurthy ... Applicant
V/S.

Union of India & Ors.

By Advocate Shri V.S.Masurkar ... Respondents

Tribunal's Order

This is a petition filed by the original applicant alleging that the respondents have committed contempt of the order passed by this Tribunal dated 1.5.1996 in OA.NO. 185/96. The respondents have filed reply stating that no contempt is committed and the order of this Tribunal is complied with. We have heard the learned counsel appearing on both sides and perused the record made available to us by the learned counsel for the respondents.

2. This Tribunal while dismissing the OA.No. 185/96 as pre-mature made observation that the respondents should convey to the applicant the grounds on which the appellate authority remitted the matter to the disciplinary authority. In pursuance of the order by this Tribunal, the respondents have communicated the grounds on which the appellate authority remitted the matter to the disciplinary authority.

But according to the petitioner the respondents have not faithfully complied with the order passed by this Tribunal and therefore they have committed contempt.

3. After hearing both the counsels and perusing the material on record, we are satisfied that the respondents have substantially complied with the order passed by this Tribunal in conveying the grounds which were before the appellate authority for setting aside the order of penalty imposed by the disciplinary authority and remitting the matter to disciplinary authority to pass fresh order from the stage of imposition of penalty.

We, therefore, find that no case is made out for contempt since the communication is given which is in the original order. At this stage, the learned counsel for the applicant states that the order which is in the original file may be communicated to the applicant. We are unable to see that there is any contempt. We cannot give any direction in the contempt petition. We are satisfied that the order is passed by the respondents in compliance with the order passed by the Tribunal. The C.P. is to fail.

4. In the result, the contempt petition is rejected. No costs.

This order is without prejudice to the right of the applicant to file an appeal before the appellate authority against the order of disciplinary authority and we hereby grant 15 days to the applicant from today to prefer an appeal, if so advised, and in such case the appellate authority shall dispose of the appeal according to law.

(P.P.SRI VASTAVA)

MEMBER (A)

(R.G.VAIDYANATHA)
VICE CHAIRMAN