

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated :

3 MAR 1989

CONTEMPT

PETITION (CIVIL) APPLICATION NO (s)
IN APPLICATION NO. 1002/87(F) 27
W.P. NO (s) /89

Applicant (s)

Shri V. Baskaran

v/s

To

Respondent (s)

The Development Commissioner (Handicrafts),
R/o Textiles, New Delhi

1. Shri V. Baskaran
Handicrafts Promotion Officer
Marketing & Service Extension Centre
Office of the Development Commissioner
(Handicrafts)
Shreeth Commercial Complex
Alake Bridge, Kodroli
Mangalore - 575 003

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/EXAM/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 27-2-89

Encl : As above

B. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

o/c

9 AM 15 MAR 1989

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 27TH DAY OF FEBRUARY, 1989

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ... VICE-CHAIRMAN
HON'BLE SHRI L.H.A. REGO ... MEMBER (A)

COMTEMPT PETN. (CIVIL) NO. 27/89

1. V. Baskaran
Handicrafts Promotion Officer
Marketing & Service Extension Centre
Bharath Commercial Complex
Alake Bridge Kodroli,
Mangalore -575 003. ... APPLICANT

vs.

1. Smt. Kasthuri Gupta Menon
Development Commissioner (Handicrafts)
West Block 7, R.K. Puram
NEW DELHI -110 066. ... RESPONDENTS

This application having come up for hearing
before this Tribunal to-day, Hon'ble Shri Justice K.S.
Puttaswamy, Vice-Chairman, made the following:-

ORDER

Cases called. Petitioner in person.

Heard the petitioner.

2. In this petition made under Section 17
of the Administrative Tribunals Act, 1985 and the
Contempt of Courts Act, 1971, the petitioner has
moved this Tribunal to punish the respondent for



non-implementation of our order made in his favour on 6.9.1988 in A.No.1002/87(F) (Annexure A-1).

3. In A.No.1002/87 the petitioner challenged his non-promotion to the post of Assistant Director, Handicrafts, as on 19.9.1986 which was resisted by the respondent which we substantially allowed on 6.9.1988 and issued the various directions as set out in para 22 of our order. In pursuance of our order the respondent had re-examined the case of the petitioner and had found him unfit for promotion. On that the respondent had written a letter on 13-2-1989 to this Tribunal which reads thus :-

* In pursuance of orders dated 13.9.1988 of the Central Administrative Tribunal, Bangalore Bench in the Tribunal Case No. 1002 of 1987 (F) Shri V. Baskaran, Handicrafts Promotion Officer Marketing & Service Extn. Centre, Office of the Development Commissioner (Handicrafts), Mangalore, Office of the Development Commissioner (Handicrafts), New Delhi, the meeting of the Review Departmental Promotion Committee was held on 18.1.1989 to consider promotion in the grade of Assistant Director (Handicrafts) in the pay scale of Rs. 2000-3500 of Shri V. Baskaran who had earlier been considered for the same by the Departmental Promotion Committee meeting held on 19.9.1986.

After careful examination of complete ACR upto 1985 performance and service records of Shri V. Baskaran, the Departmental

- : 3 :-

Promotion Committee did not recommend him for inclusion in the panel for promotion to 12 vacancies in the grade of Assistant Director (Handicrafts) relating to the year, 1986."

We have shown this letter to the petitioner who has perused the same in Court. On this letter, it is clear that the respondent had complied with our order in letter and spirit.

4. We will assume that there is some delay in implementing our order as claimed by the petitioner. But that even if true is not such that justifies us to initiate contempt of court proceedings against the respondent.

5. On what we have expressed earlier, there is no justification to initiate contempt of court proceedings against the respondent.

6. In contempt of court proceedings, the validity of the decision taken by the authorities in not promoting the petitioner, cannot be examined by us. If the petitioner is still aggrieved by the same it is undoubtedly open to him to challenge the same in a fresh application under the Act on all such grounds as are available to him.

7. In the light of our above discussion we hold that this petition is liable to be rejected. We, therefore, reject this contempt of court petition at the admission stage without notice to the respondent.

Deputy Registrar (JDL)
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Sd/-
VICE-CHAIRMAN 29/1

Sd/-
MEMBER (A) 27-4-89