

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P.NO.88/2002
IN O.A.1075/95

Thursday this the 12th day of December, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MRS. SHANTA SHASTRY, ADMINISTRATIVE MEMBER

Y.K.BansalPetitioner

(By Advocate Mr.R.C.Kotiankar)

V.

1. Shri Anil Kakodkar
Secretary to Govt. of India,
Department of Atomic Energy,
Anushakti Bhavan,
CSM Marg, Mumbai.39.
2. Shri S.C.Hiremath,
Chief Executive, Heavy Water Board,
Department of Atomic Energy,
Vikram Sarabhai Bhavan,
AnushaktiNagar,
Mumbai.94.Respondents

The Contempt Petition having been heard on 12.12.2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

This Contempt Petition (Civil) arises out of the orders of the Tribunal in OA 1075/95. The petitioner filed the Original Application claiming that his case was not properly considered by DPC for promotion. The petitioner/applicant had filed a M.P.386/96 for a direction to the respondents to produce certain documents for his inspection. The respondents produced the records but contended that

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some of the documents cannot be shown to the applicant. The Tribunal in paragraph 5 of the judgment considered the rival contentions and held that the applicant/petitioner was entitled to have inspection of the documents. However, the matter was heard, the tribunal perused the documents in question and ultimately finding that the petitioner's case was properly considered by the DPC and that there was no merit in the application dismissed the same. dismissed without any order as to costs.

2. Alleging that the respondents did not allow the applicant to have inspection of the documents when demanded several times thereafter and therefore the respondents have exhibited contumacious behaviour disobeying the order of the Tribunal deserving action under the Contempt of Courts Act the applicant in the Original Application has filed this Contempt Petition(Civil).

3. Notice was issued the alleged contemner second respondent who has filed an affidavit.

4. We have heard the learned counsel of the petitioner and Shri Ravi Reddy, ACGSC who filed vakalat for the alleged contemner. The learned counsel of the petitioner states that as there is an observation in paragraph 5 of the judgment that the

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applicant was entitled to have inspection of the document, the respondents were bound to allow the applicant to inspect them as and when demanded by them and therefore by not permitting the applicant to do so the respondent has shown defiance of the orders of the Tribunal.

4. Shri Ravi Reddy on the other hand argued that although there is a declaration that the applicant is entitled to inspect the documents no direction was made by the Tribunal to the respondents to let the petitioner inspect the documents whenever he wanted. Since the documents were already produced in court, perused by the Tribunal and the Tribunal did not find any merit in the OA. Petitioner's case had been properly considered by the DPC there was no obligation on the part of the respondents to allow the applicant to inspect the documents in the absence of any direction on that behalf. Therefore, as the respondent have not shown any disobedience or disrespect, nor has they exhibited any conduct which is contumacious the learned counsel pleaded that the matter may not be proceeded with any further.

5. Having perused the order of the Tribunal in OA 1075/95 especially paragraph 5 and all other materials now available before us and on hearing the learned counsel on either side, we do not find that there is any reason for the Tribunal to initiate action under the Contempt of Courts Act against the respondents. True there is a declaration of the

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entitlement of the petitioner to have the documents inspected. This was only a declaration of his entitlement. There was no direction by the Tribunal to the respondents to make available the documents to the applicant whenever he wanted to inspect the same. As no binding direction of the Tribunal has been disobeyed by the respondents, we do not find any need to proceed with this Contempt Petition (Civil) any further. Hence the Contempt Petition (Civil) is dismissed and the notice issued is discharged. No costs.

Dated the 12th day of December, 2002

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SHANTA SHASTRY
ADMINISTRATIVE MEMBER

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A.V. HARIDASAN
VICE CHAIRMAN