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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 14.5.99

CP No.26/96 (OA No.793/92)

Mohan Singh Rathore S/o late Shri Bahadur Singh ji, aged around 65 years, r/o 111, Girnar Colony, Near Vaishali Nagar, Jaipur, retired Superintendent of Police, Govt. of Rajasthan.

.. Petitioner

Versus

Shri K.Padamnabhiah, Secretary, Ministry of Home Affairs, Government of India, New Delhi.

.. Respondent

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

None present for the petitioner.

Mr. V.S.Gurjar, counsel for the respondent.

ORDER

Per Honble Mr. Gopal Krishna, Vice Chairman

Petitioner, Mohan Singh Rathore, has filed this Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985, stating therein that the respondent by wilfully disobeying the orders of the Tribunal passed in OA No. 793/92 on 7.8.95 has committed contempt of Court.

2. None is present for the petitioner. We have heard Mr. V.S.Gurjar, counsel for the respondent, and have carefully gone through the records of the case.

3. The operative portion of the order passed in the OA, referred to above, reads as follows:

" Since the applicant was otherwise eligible for promotion in all respects and he was not given appointment to the IPS for reasons beyond his control, solely on the ground that he had retired from service, we direct that the Central Govt. may exercise their discretion in terms of Rule 3 of the aforesaid

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Rules of 1960 and pass necessary orders of deemed appointment to the IPS w.e.f. a date during his service period to enable the applicant to get the monetary benefits attaching to such promotion. Necessary action shall be taken by the Central Govt. in this regard within 4 months from the date of the receipt of a copy of this order."

However, in the Civil Appeal No.12089 of 1996, Hon'ble the Supreme Court, while setting aside the order of the Tribunal, observed that the Union of India may include petitioner's name in the appointment notification dated October 4, 1988 as a select list candidate and give him the order of appointment letter and that consequently, the petitioner would be entitled to all the ~~retiraltive~~ benefits on that basis. Pursuant to the judgment dated 2.9.96 of Hon'ble the Supreme Court in the Appeal mentioned above, the respondents inserted the name of the petitioner at Sl.No. 3A in the Ministry of Home Affairs' notification dated 4.10.88 vide corrigendum dated 29.11.96, at Ann.R2. We, thus, find that no case of contempt is made out against the respondent.

4. The Contempt Petition is dismissed. Notice issued is discharged.

Gopal Singh

(GOPAL SINGH)

Adm. Member

Gopal Krishna

(GOPAL KRISHNA)

Vice Chairman