

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Contempt Petition No. 12 of 2002

(in OA No. 216 of 1999)

Jabalpur, this the 12th day of September, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Dr. Bangali Babu Saxena, aged 56
years, Principal Scientist (FM&P),
C-8, Nehru Nagar,
Bhopal (M.P.)-462 003

APPLICANT

(By Advocate - Shri S.P. Rai holding brief of Smt. S. Menon)
VERSUS

1. Dr. R.S. Parod,
Ex-Director General
ICAR, Krishni Bhawan,
New Delhi - 110 001.

1(a) Dr. Punjab Singh,
Director General,
Indian Council of Agricultural
Research, Krishi Bhawan,
New Delhi.

2. Dr. A. Alam, D.D.G. (Engg),
IC.A., Krishi Bhawan,
New Delhi - 110 001.

3. Dr. N.S.L. Shrivastava,
A.D.G. (Engg),
Krishi Bhawan,
New Delhi - 110 001.

4. Dr. G. Singh,
Director, C.I.A.E., Nabi-Bagh,
Barasia Road,
Bhopal (M.P.)

4(a) Dr. Nawab Ali,
Director,
CIAE, Bhopal

5. Smt. Shashi Mishra,
Secretary,
Indian Council for Agricultural
Research,
Krishi Bhawan,
New Delhi.

6. Dr. Ajit Singh,
President,
ICAR, New Delhi.

RESPONDENTS

(By Advocate - Shri P. Shankaran)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -

CCP has been filed by the applicant in OA No. 216/99 for non-compliance of interim order passed by the Tribunal on 17.7.01, copy of the said order has been annexed at Annexure-A-7. Annexure-A-7 shows that Tribunal directed the respondents to file a short reply and show under what rules they have treated suspension period as dies non. Alternatively the Tribunal directed the respondents should regularise the period "as per rules". The respondents have thereafter passed an order on 13.9.2001 which has been annexed at Annexure-A-6 to the contempt petition. The learned counsel for the applicant has submitted that the Annexure-A-6 is not the compliance of the Tribunal direction dated 17.7.2001, as the Tribunal had directed to regularise of the period. We however find from the order dated 17.7.2001 that the Tribunal had directed the respondents to regularise "as per rules". The respondents have considered the same and passed an order which is Annexure-A-6. Whether the order is right or wrong is not a question to be considered by this contempt Bench. The contempt would lie only if there is willful disobedience. Once the respondents have taken a decision as per the rules, the validity of that cannot be judged in contempt petition.

2. Accordingly this contempt petition is rejected.

Anand Kumar Bhatt
(Anand Kumar Bhatt)
Administrative Member

D.C. Verma
(D.C. Verma)
Vice Chairman (Judicial)