

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

CONTEMPT PETITION NO. 87/2013
IN
ORIGINAL APPLICATION No. 606/2013

ORDER RESERVED ON 12.12.2014

DATE OF ORDER : 7.1.2015

CORAM :

HON'BLE MR. B.V. RAO, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Praveen Sharma son of Shri Shiv Shankar Sharma, aged 59 years, resident of F-49, Lal Bahadur Nagar, Jaipur (currently posted as Superintendent of Police (CID-CB), Police Head Quarters, Jaipur.

... Petitioner

(By Advocate: S.S. Hora)

Versus

1. Mr. Anil Goswami, Secretary, Ministry of Home Affairs, North Block, Government of India, New Delhi.
2. Mr. C.K. Mathew, Chief Secretary, Government of Rajasthan, Secretariat, Jaipur.
3. Mr. Ashok Sampatram, Additional Chief Secretary (Home), Government of Rajasthan, Jaipur.
4. Mr. Sudarshan Sethi, Principal Secretary, Department of Personnel, Government of Rajasthan, Secretariat, Jaipur.

... Respondents

(By Advocate: Mr. Mukesh Agarwal – Respondent no. 1.
Mr. V.D. Sharma – Respondent nos. 2 to 4)

ORDER

PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

The petitioner has filed the present Contempt Petition for the non compliance of the order dated 04.09.2013 passed in OA No. 606/2013. Vide this order, the respondents nos. 4 to 6 were directed to forward the representation dated 18.07.2013 (Annexure A/4 of that OA) submitted by the applicant with their

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detailed comments to respondent no. 3 i.e. Secretary, Ministry of Home Affairs, North Block, Government of India, within a period of one month from the date of receipt of a copy of this order. Thereafter, respondent no. 3 that is Secretary, Ministry of Home Affairs, North Block, Government of India was directed to decide the representation of the applicant by a reasoned & speaking order according to the provisions of law expeditiously but not later than a period of two months from the date of receipt of the representation and comments thereon of the State Government of Rajasthan.

2. The petitioner has alleged that in spite of three months' time has elapsed but the respondents have not decided his representation, as directed by the Tribunal. Therefore, it amounts to deliberate and willful disobedience of the orders passed by the Tribunal.

3. In the reply, the respondent no. 1 that is Home Secretary, Government of India, has stated that State Government decided that it is not possible to forward the representation of the applicant to the Ministry of Home Affairs, Government of India, as there is no enabling provision in the Indian Police Service (Appointment by Promotion) Regulations, 1955 to convene Review Selection Committee Meeting. As per the directions of the Tribunal, the Ministry of Home Affairs was to decide the representation of the petitioner only when it received the comments of the State Government. Since the State Government decided not to forward the comments to the


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Ministry of Home Affairs, therefore, there was no occasion to comply with the order of the Tribunal.

4. The respondents nos. 2 to 4 of the Contempt Petition submitted their reply. In the Additional Affidavit submitted by the official respondents nos. 2 to 4, they have stated that the representation of the applicant has since been forwarded to the Secretary, Ministry of Home Affairs on 27.05.2014 (Annexure AA/2), and now the respondent no. 1, Ministry of Home Affairs, Government of India has decided the representation of the petitioner vide its order dated 11.07.2014 (Annexure AA/3).

5. Heard the learned counsel for the parties and perused the documents on record. Since the respondents nos. 2 to 4 have now forwarded the representation of the petitioner to the Ministry of Home Affairs, Government of India, as directed by this Tribunal and the Ministry of Home Affairs, Government of India has also decided the representation of the petitioner, therefore, we are of the view that substantial compliance has been made by the respondents. Thus no contempt is made out.

6. Consequently the Contempt Petition is dismissed. Notices issued to the respondents are hereby discharge.


(Anil Kumar)
Member (A)


(B.V. Rao)
Member (J)

Abdul