

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 16.10.2014

C.P. No. 51/2013 (O.A. No. 626/2012)

Applicant present in person.

Mr. V.D. Sharma counsel for the respondent No. 2.

None present for the respondent No. 1.

Heard the petitioner in person and learned counsel for the respondent No. 2.

C.P. is disposed of by a separate order on separate sheets.


(Dr. Murtaza Ali)
MEMBER (J)


(ANIL KUMAR)
MEMBER (A)

Vv

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

CONTEMPT PETITION NO. 51/2013
IN
ORIGINAL APPLICATION NO. 626/2012

Date of order: 16.10.2014

CORAM

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER
HON'BLE DR. MURTAZA ALI, JUDICIAL MEMBER

Ravi Shankar Srivastava, IAS, S/o Late Shri S.P. Srivastava,
R/o N-9 Gandhi Nagar, Jaipur presently posted as
Commissioner, Departmental Enquiries, Secretariat, Jaipur.

...Applicant

Petitioner present in person.

V E R S U S

1. Shri P K Mishra, Secretary, Department of Personnel, Public Grievance and Training, North Block, New Delhi.
2. Sudarsan Sethi, Principal Secretary to the Government, Department of Personnel, Secretariat, Jaipur.

...Respondents

None present for the respondent No. 1.

Mr. V.D. Sharma, counsel for the respondent No.2

ORDER

(PER MR. ANIL KUMAR, ADMINISTRATIVE MEMBER)

This contempt petition has been filed by the petitioner for the non-compliance of the order passed by this Tribunal in O.A. No. 626/2012 (Ravi Shankar Srivastava vs. UOI & Anr.) dated 05/03/2013 read with order dated 02/04/2013 in M.A. No. 95/2013 in O.A. No. 626/2012. The operative portion of the

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order 05/03/2013 is in Para 11 of the order, which is quoted below:-

"11. Upon perusal of the interim order dated 17.12.2009 passed by the Division Bench of the Hon'ble High Court as well as the order passed by the Hon'ble Supreme Court and also the order of the High Court permitted the appellant to withdraw the writ petition, we are of the view that this is a fit case where respondents are required to be directed to consider the question in view of the judgment rendered by the Division Bench of the Hon'ble High Court on 17.12.2009 on the following issues:-

- (a) Whether the Minister incharge of the department is the disciplinary authority in terms of Business Rules of the Government?
- (b) Whether the Minister Incharge of the department has the statutory power or inherent power to disagree with the opinion of the Review Committee?

"And after having considered these questions and having considered the fact that in the case of co-accused suspension has been cancelled, the respondents are expected to pass a speaking order in accordance with provisions of law expeditiously, but in any case not beyond the period of three months from the date of receipt of a copy of this order. So far as other reliefs in the OA are concerned, these being consequential reliefs can only be claimed by the applicant after the order is passed by the respondents and these depend upon the final order passed by the State Government on the above questions."

2. This order was further clarified by this Tribunal vide order dated 02/04/2013 in M.A. No. 95/2013 in O.A. No. 626/2012 in Para 03 which is quoted below:-

"3. Para 11 of the order is clarified in the terms that the issues which has been raised by the applicant before the Division Bench of the Hon'ble High Court have been answered Hon'ble High Court vide its order dated 17.12.2009. Further, in sub-para of para 11, it is made clear that the

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respondents are required to consider the case of the applicant in view of the questions which have been raised by the applicant and as has been answered by the Hon'ble High Court."

3. The notices were issued to the respondents. The respondent No. 2 submitted his reply on 02/12/2013. The Tribunal after perusal of the compliance report submitted by the respondent No. 2, vide order dated 09/12/2013 has observed that we are not satisfied with the compliance report submitted by the respondent no. 2. It is not a reasoned and speaking order covering the directions issued by this Tribunal. At the request of the learned counsel for the respondents one more opportunity was given to the respondents to file compliance report. In compliance of these directions the respondents have filed the reply.

4. Learned counsel for the respondent No. 2 submitted that respondent No. 2 has passed a reasoned and detailed order on 31/12/2013 as per directions of the Hon'ble Tribunal and, hence, orders of the Tribunal have been complied with and there is no intentional or wilful disobedience of the orders of the Hon'ble Tribunal.

5. The applicant in person submitted that the order passed by the respondent No. 2 dated 31/12/2013 is the same order which was passed by them on 06/03/2012 and, thus, no fresh order has been passed by the respondent No. 2.

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6. Learned counsel for the respondent no. 2 further submitted that order dated 31/12/2013 is a reasoned and speaking order and the respondent No. 2 is not bound to pass an order in a manner as required by the applicant, therefore, the orders of the Hon'ble Tribunal have been complied with by the respondent No. 2.

7. Learned counsel for the respondent No. 2 also submitted that this order has been challenged by the applicant by way of filing substantive O.A. Even if the order dated 31/12/2013 is similar to the order dated 06/03/2012, as stated by the applicant; even then no contempt is made out against the respondents.

8. Respondent No. 1 in his reply has submitted that there was no such specific direction by the Hon'ble Tribunal for deciding the pending representation of the applicant by the respondent no. 1. Therefore, the contempt petition against him is baseless and deserves to be dismissed.

9. Having heard the rival submissions of the parties and on perusal of the documents on record and the reply submitted by the respondent No. 1, we are of the view that there was no specific direction to respondent No. 1 to decide the representation of the applicant. Therefore, we are of the view that there is no contempt made out against the respondent No.

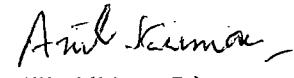
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10. We have carefully perused the reply submitted by the respondent No. 2 and the order dated 31/12/2013 passed by the respondent no. 2 on the representation of the applicant. We find that it is a reasoned and speaking order. Thus the respondents have substantially complied with the orders of this Tribunal. Therefore, we are of the opinion that the contempt petition does not survive even against the respondent No. 2. Accordingly, the Contempt Petition is dismissed. Notices issued earlier to the respondents are discharged.


(DR. MURTAZA ALI)

JUDICIAL MEMBER


(ANIL KUMAR)

ADMINISTRATIVE MEMBER

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