

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP No.26/2016
OA No.3551/2010**

Reserved on 08.04.2016
Pronounced on 25.04.2016

HON'BLE MR V.N. GAUR, MEMBER (A)
HON'BLE DR B.A. AGRAWAL, MEMBER (J)

P.C. Meena,
Aged about 49 years,
S/o late Sh. Ram Sahay,
R/o A-2/165, Janak Puri,
New Delhi-110058.

...Applicant

(By Advocate: Mr. M.K. Bhardwaj)

VERSUS

North DMC & Ors through:

1. Sh. P.K. Gupta,
Commissioner,
North Delhi Municipal Corporation,
4th Floor, Civic Centre,
Shyama Prasad Mukherjee Building,
New Delhi.
2. Sh. Puneet Goel,
Commissioner,
South Delhi Municipal Corporation,
9th Floor, Civic Centre, Shyama Prasad,
Mukherjee Building, New Delhi.
3. Sh. Amit Yadav,
Commissioner,
East Delhi Municipal Corporation (Hq),
Udyog Sadan, 1st Floor,
Patparganj Industrial Area,
New Delhi.

...Respondents

(By Advocate: Mr. R.N. Singh for R-1, Mr. R.K. Jain for R-2 & Mr. K.M. Singh for R-3)

:ORDER:**HON'BLE DR BRAHM AVTAR AGRAWAL, MEMBER (J):**

The instant CP is the third CP vis-à-vis this Tribunal's Order dated 01.07.2014 in the OA No.3551/2010 (Annexure P-1), the previous ones being the CP No.618/2014 disposed of on 12.03.2015 (Annexure P-3) and the CP No.404/2015 disposed of on 19.11.2015 (Annexure RJ-2).

2. We have heard the learned counsel for the parties, perused the pleadings and the rulings cited at the Bar, and given our thoughtful consideration to the matter.

3. The directions given in the aforesaid Order dated 01.07.2014 read as under:

"6. In this view of the case, respondents are directed to give effect to the circular dated 02.06.2010 by convening review DPC in respect of the applicant to consider his promotion to the next grade with effect from the date his immediate junior was promoted to the post of Superintending Engineer and to the post of Chief Engineer keeping in view the pending criminal case against the applicant in accordance with the rules and law applicable in such circumstances. OA is disposed of accordingly. No costs."

4. The last two paragraphs of the Order dated 12.03.2015 in the first CP, i.e., the CP No.618/2014, read as under:

"6. The learned counsel of both the sides concede that when the DPC would now be held for the post of Chief Engineer, pursuant to the directions of Hon'ble High Court of Delhi dated 19.12.2014 in the matter of K C Meena V/s UOI & Ors. in WP (C) No.5356/2014, the case of the contempt petitioner before us, Sh. P C Meena, would also be under the zone of consideration. Learned counsel for the respondents undertakes that the respondents will convene a DPC soon, as per the Hon'ble High Court's directions, and the third direction of this Tribunal, in a

time bound manner, as per the time frame specified by the Hon'ble High Court of Delhi.

7. In view of this, we feel that there has been no deliberate disobedience of the orders of this Tribunal, and the contempt petition is, therefore, dismissed."

5. While considering the second CP, i.e., the CP No.404/2015, it appears that the first CP and the Order therein were not noticed. However, it was held by the Order dated 19.11.2015 in the second CP as under:

"Accordingly, we find that no contempt of court subsists in this case now and the Contempt Petition is closed. Notices issued to the alleged contemnors are discharged."

6. Now, the question is as to whether the present CP can be said to be maintainable. The answer, we feel, should be in the negative. Twice it has been held by this Tribunal that there was no contempt of court made out vis-à-vis the Order dated 01.07.2014 in the OA No.3551/2010. The instant CP, in our view, can only be described as misguided and an abuse of the process of court.

7. The CP is, therefore, dismissed. It is our indulgence that the petitioner is not being saddled with cost.

(Dr. B.A. Agrawal)
Member (J)

(V.N. Gaur)
Member (A)

/jk/

