

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**CP-566/2015 in
OA-3220/2015
with
CP-567/2015 in
OA-3218/2015**

Reserved on : 18.09.2015.

Pronounced on:29.09.2015.

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)**

**CP-566/2015 in
OA-3220/2015**

Dayanand Kataria, IAS(TN-1989)
S/o Sh. B.R. Kataria,
R/o 7/2, DDA Officers Complex,
Bhagwan Dass Road,
New Delhi-1.

..... Petitioner

(through Sh. Malaya Kumar Chand, Advocate)

**CP-567/2015 in
OA-3218/2015**

Sh. Brijesh Kumar Mishra, IRSE
S/o Sh. Ram Krishna Mishra,
R/o A-3, DDA Staff Quarters,
Old Rajinder Nagar,
New Delhi-60.

..... Petitioner

(through Sh. Malaya Kumar Chand, Advocate)

Versus

1. Mr. Madhusudan Prasad
Secretary to GOI,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.
2. Mr. Arun Goel
Vice-Chairman,
Delhi Development Authority,
Vikas Sadan, INA,
New Delhi. Respondents in
both OAs

(through Sh. Gyanendra Singh, Sh. Dhanesh Relan with Ms. Sriparna Chatterjee, Advocates)

O R D E R

Mr. Shekhar Agarwal, Member (A)

These Contempt Petitions have been filed for alleged disobedience of our order dated 28.08.2015 passed in OA-3218/2015, which reads as follows:-

6 Heard the learned counsel for the applicant and Shri Gyanendra Singh, the learned counsel appeared on behalf of the respondents.

2. The applicant, an IRSE Officer of 1993 Batch, appointed as Commissioner (Land Management) in Delhi Development Authority (DDA) under the Ministry of Urban Development for a period of five years vide order dated 09.10.2012 (Annexure A/2). He filed the present O.A.

questioning the Annexure A/1, dated 25.08.2015, whereunder the Ministry of Urban Development informed to the Vice Chairman, Delhi Development Authority that the Competent Authority has approved the proposal regarding premature repatriation of the applicant to his parent cadre. The learned counsel for the applicant submits that the pre-condition of ACC approval for premature repatriation was not fulfilled before passing the said order.

3. However, the learned counsel for the respondents submits that in Annexure A/1 itself, it is clearly mentioned that the competent authority has approved the premature repatriation. However, he seeks two days' time to get instructions regarding what is that competent authority, referred in the letter dated 25.08.2015, which approved the premature repatriation, in view of specific allegation of the applicant.

4. In the circumstances, list on 02.09.2015. Till then, the respondents shall not relieve the applicant.

Order by **DASTI.**

Similar order was passed in OA-3220/2015 in respect of applicant Shri Dayanand Kataria.

2. Learned counsel for the petitioners argued that this Tribunal had directed that the petitioners shall not be relieved. These orders had been served on them by the petitioners on 28.08.2015 itself i.e. the date on which they were passed.

Despite that the contemnors have not withdrawn their relieving orders dated 26.08.2015 and were illegally dealing the matter without any rhyme and reason.

3. Arguing for the alleged contemnors Sh. Dhanesh Relan with Ms. Sriparna Chatterjee stated that the petitioners had not approached the Tribunal with clean hands. Relieving order of the petitioners had been passed on 26.08.2015 and had also been served on them. Thus, this order was in their knowledge when they filed the OAs on 27.08.2015. However, they hid this order from the Tribunal. They also did not implead DDA as a party despite the fact that they were working under Delhi Development Authority (DDA) and the relieving order was passed by DDA. Learned counsel stated that the relieving order was passed on 26.08.2015 i.e. two days prior to the directions of the Tribunal, which were given on 28.08.2015.

4. We have heard both sides and have perused the material on record. It is clear from the record that our directions not to relieve the petitioners were issued on 28.08.2015 whereas the relieving order had been passed by the respondents on 26.08.2015 i.e. prior to issue of our directions. Further, there was no direction from us to withdraw the relieving order. As such, we do not find that any contumacious act has been committed by the respondents. Therefore, the Contempt Petitions are not maintainable and are accordingly dismissed.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

/Vinita/