

**Central Administrative Tribunal
Principal Bench**

**CP No.390/2016
OA No.1741/2016**

New Delhi, this the 21st day of October, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. V. N. Gaur, Member (A)**

Ashish Mohan
Under suspension since 13.6.2014
Aged about 42 years
S/o Shri Umakant Bhardwaj
R/o Flat No.306, Block No.2,
DDA HIG Govt. Flats,
Motia Khan,
Delhi-55.

... Applicant.

(By Advocate : Shri Anil Singal)

Versus

1. Shri Rajiv Mehrishi
Secretary, MHA,
North Block, New Delhi
Including all Successor (s) to
The post of Secretary, MHA.

2. Shri K. K. Sharma
Chief Secretary
Govt. of NCT of Delhi,
Delhi Secretariat,
IP Estate, New Delhi
Including all successor (s) to
The post of Chief Secretary
Govt. of NCT of Delhi.

... Respondents.

(By Advocate : Shri Hanu Bhaskar for respondent No.1
Shri K. M. Singh for respondent No.2.)

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

Vide order dated 31.05.2016 passed in OA No.1741/2016, this
Tribunal passed the following directions:-

“12. The OA is accordingly allowed. The respondents are directed to revoke the suspension of the applicant forthwith and reinstate him. The respondents shall also decide about the period of suspension in accordance with rules within a period of two months. The respondents are, however, at liberty to initiate the disciplinary proceedings in accordance with law.”

2. On account of non-compliance of the directions, the present contempt petition was filed by the applicant and notice was issued to the respondents to show cause as to why the proceedings for contempt be not initiated against them.

3. Shri K. M. Singh, learned counsel for the respondents has today placed on record a communication dated 18.10.2016 accompanied with copy of an order dated 23.09.2016 whereby suspension of the applicant has been revoked with immediate effect. The directions passed by this Tribunal on 31.05.2016 were in two parts; (i) the revocation of order of suspension and (ii) treatment of the period of suspension. The first part of the direction has been complied with. Though it was mandatory for the respondents to have decided the period of suspension in terms of rule 54-B (1) (b) of Fundamental Rules, the respondents have not only violated the direction but also contravened the mandate of F.R. 54-B (1) (b). We are inclined to issue further directions. However, Mr. K. M. Singh, learned counsel for the respondents submits that later part of the judgment, i.e., taking decision on the period of suspension shall be complied within six weeks.

4. In this view of the matter, the present contempt proceedings are hereby dropped with liberty to the applicant to revive the contempt petition in the event the respondents fail to comply the second part of the direction within six weeks, as stated by learned counsel for respondents.

(V. N. Gaur)
Member (A)

(Justice Permod Kohli)
Chairman

/pj/

