

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**C.P. No.409/2016 in
O.A. No. 2918/2013**

New Delhi this the 6th day of September, 2016

HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE DR. B.K. SINHA, MEMBER (A)

Shri Ram Dass
Aged about 65 Years,
S/o Late Shri Babu Lal,
R/o 8868/14-B, Shidipura,
Near Karol Bagh,
Delhi-110005.

.... Petitioner

(Argued by: Shri Siddharth Joshi, Advocate)

Versus

1. Mr. Rajiv Kumar
The Accounts Officer (Estt.) Gaz.
Delhi Development Authority
Vikas Sadan INA, New Delhi.
2. Mr. B. K. Bansal
The Dy. Director (CR),
Delhi Development Authority,
Vikas Sadan, INA,
New Delhi.

....Contemnors/Respondents

ORDER (ORAL)

Justice M. S. Sullar, Member (J)

The crux of the facts and material, which needs a necessary mention, for the limited purpose of deciding the instant Contempt Petition (CP), and exposted from the record, is that, the Original Application (OA), filed by the petitioner, Ram Dass, was allowed, vide order dated 12.10.2015 by this Tribunal, and the following directions were issued:-

- “(i) The order dated 23.07.2013 passed by the respondent No. 2 is quashed and set aside.

- (ii) The respondents are directed to convene a review DPC to consider the applicant for deemed promotion to the post of Deputy Director promotion to the post of Deputy Director under SC category w.e.f. 27.11.2009 the date when his immediate junior Trilok Chand had been promoted.
- (iii) All consequential benefits are to be paid to the applicant as admissible under the rules”.

2. According to the petitioner, the respondents have not complied with the directions contained in the order of this Tribunal, and preferred the instant CP, for initiation of Contempt Proceedings against them.

3. During the course of hearing, it revealed, that in compliance with the directions of this Tribunal, the competent authority has passed the order dated 23.03.2016 (Annexure A-3), which, in substance, is as under:-

“Sub: Implementation of CAT orders dated 12.10.2015 passed in OA No. 2918/2013 – Ram Das Vs. DDA & Others.

Sir,

Please refer to your letter dated 26.10.2015 addressed to Vice-Chairman/DDA and copy enclosed to Commissioner (Personnel) on the subject mentioned above.

In the context, it is intimated that in compliance of the judgement dated 12.10.2015 of Hon'ble CAT in OA No. 2918/2013 titled Ram Dass Vs. DDA & Ors., the Sr. Level DPC (Group 'A' Officers) in its meeting held on 04.02.2016 reviewed your case for promotion to the post of Dy. Director (Min) in the Pay Band of Rs. 15600-39100/- with Grade Pay of Rs. 6600/- w.r.t. your junior namely Shri Trilok Chand.

The said DPC after taking into consideration the facts of the case, the guidelines issued by the DoPT from time to time and other aspects, kept its recommendations in the Sealed Cover owing to pending disciplinary proceedings in charge sheet dated 13.03.2008 issued to you which lastly ended with imposition of penalty of 5% out in pension for two years vide order No. 133/Vig dated 18.04.2013”.

4. Meaning thereby, the respondents have complied with the pointed directions of this Tribunal, vide order dated 23.03.2016 (Annexure A-3).

5. Ex-facie, the argument of learned counsel, that the order dated 23.03.2016 (Annexure A-3), allegedly passed in compliance with the order passed by this Tribunal, is illegal, so action is required to be taken against the respondents, under the provisions of Contempt of Courts Act, 1971, is not legally tenable.

6. As indicated hereinabove, once the respondents have substantially complied with the indicated directions of this Tribunal, vide order (Annexure A-3), in that eventuality, no action is legally permissible against them for wilful, deliberate and disobedience of the above mentioned orders, as contrary urged on behalf of the petitioner.

7. Be that as it may, in any case, the validity or otherwise of the order (Annexure A-3), cannot be decided in the instant CP. In case the petitioner is aggrieved in any manner, he would be at liberty to challenge the validity of the order dated 23.03.2016 (Annexure A-3), by filing independent OA, in accordance with law.

8. In the light of the aforesaid reason, as there is no merit, CP is dismissed as such.

(DR. B.K. SINHA)
MEMBER (A)

Rakesh

(JUSTICE M.S. SULLAR)
MEMBER (J)
06.09.2016