

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

**CP-436/2016
In OA -1001/2013
MA-782/2013**

New Delhi, this the 06th day of September, 2016.

Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Sh. Brahm Avtar Agrawal, Member (J)

1. Namit Kishore Chaturvedi,
S/o Hari Kishore Chaturvedi,
R/o Post Araria R.S.
Bihar-854312.

2. Nitin Kumar Singh,
S/o Shri Jai Kumar Singh,
R/o 1438 First Floor Sector-3,
Vasundhara Gaziabad
U.P.-201012.

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Petitioners

(By Advocate : Sh. Pranav Sapra)

Versus

1. Shri Rajpal Singh
Under Secretary to the Govt. of India,
Ground Floor, Hudco Vishala
Building, Bikaji Cama Place,
New Delhi-110066.

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Contemnor/Respondent

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

This contempt petition has been filed by the petitioners for alleged non-compliance of our order dated 01.07.2015, the operative part of which reads as follows:

“5. We, therefore, allow this O.A. and quash the order dated 26.06.2012 of the respondents rejecting the representations of the applicants. We further direct that the respondents shall consider allocating Delhi Zone to the applicants according to the preference given by them in the light of observations made in our judgment in OA-748/2013. These directions shall be complied with within a period of eight weeks from the date of receipt of a certified copy of this order. No costs.”

2. Learned counsel for the petitioners argued that while the directions of this Tribunal were to grant Delhi Zone to the petitioners, the respondents have passed an order dated 24.08.2015 by which they have refused to allot Delhi Zone to the petitioners on the ground that the same has not been found to be feasible. Learned counsel argued that the above act of the respondents was contemptuous as they had failed to comply by the order of this Tribunal directing them to allot Delhi Zone to the petitioners.

3. We have perused the material placed on record. We find that our direction in the order dated 01.07.2015 to the respondents was to consider allotting Delhi Zone to the applicants in the light of the observations made in our judgment in OA No. 748/2013 and in accordance with the preference given by the petitioners. Accordingly, the respondents have passed the above mentioned order dated 24/8/2015 by which they have considered allotting of Delhi Zone to the petitioners and have come to the conclusion that the same is not feasible.

4. In our opinion, no contempt has been committed by the respondents. In fact they have substantially complied with our order by considering grant of Delhi Zone to the petitioners. They have passed a detailed and speaking order rejecting the claim of the petitioners. Whether this order is right or not is a matter of adjudication and not a matter of contempt.

5. Accordingly, we close this CP without issuing notice to the alleged contemnors. The petitioners, if still aggrieved, shall however be at liberty to avail of their remedies under law.

(Brahm Avtar Agrawal)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/