

Central Administrative Tribunal Principal Bench, New Delhi

C.P.No.495/2015 in O.A.No.2242/2014

Wednesday, this the 28th day of September 2016

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Balram Dahiya, aged 49 years
s/o Mr. Chattar Singh
r/o 108, 2nd Floor, Paschim Enclave, Delhi
2. Balbir Singh, aged 49 years
s/o Mr. Pitambar Singh
r/o Quarter No.527, Delhi Govt. Flat
Gulabi Bagh, Delhi
3. Namonarayan Meena, aged 48 years
s/o Mr. Thandi Ram
r/o 15/108, Old Chandrawal, Delhi-54
4. Ramkesh Meena, aged 45 years
s/o Mr. Bhonduram
r/o 340, Devli Village, New Delhi
5. Rajindra Prasad Tiwari, aged 43 years
s/o Rama Shankar
r/o D-180, Kunwar Singh Nagar
Nangloi, Delhi

..Applicants

(Mr. Ajesh Luthra, Advocate)

Versus

1. Mr. Kewal Kumar Sharma
Chief Secretary
GNCT of Delhi
5th Floor, Players Building
Delhi Secretariat,
IP Estate, New Delhi
2. Geetanjali Gupta
Commissioner (Transport)
GNCT of Delhi
5/9 Under Hill Road
Rajpur Road, Delhi

..Respondents

(Mr. Vijay Pandita, Advocate)

O R D E R (ORAL)

Mr. V. Ajay Kumar:

Heard both sides. This Contempt Petition is filed alleging non-implementation of the Orders of this Tribunal passed in O.A. No.2242/2014 dated 23.04.2015 whereunder this Tribunal directed the respondents as follows:-

“12. After having given our anxious consideration to the facts and circumstances of the case as well as the rival contentions of the parties in the light of the decisions of the Hon’ble Supreme Court in S. Samuthiram’s case (supra), Mehar Singh’s case (supra), and Sankar Ghosh’s case (supra), which, in our view, are applicable to the present case, we are not inclined to grant the reliefs as sought by the applicants in the O.A. But, considering the fact that the respondents and the concerned Additional Commissioner of Police (Crime), Delhi, have failed to act earnestly and with due promptitude, as mandated in the Government of India’s Decision (ibid), and that in the meantime about one year has expired from the date of the judgment of the Hon’ble High Court of Delhi, we are of the view that it would meet the ends of justice if the respondents are directed to ensure the filing of the SLP/Criminal Appeal before the Hon’ble Supreme Court challenging the judgment dated 10.3.2014 ibid passed by the Hon’ble High Court of Delhi and/or to take appropriate decision in the light of the Government of India’s Decision (ibid) within two months from today, and that if the SLP/Criminal Appeal is not filed and/or appropriate decision is not taken by the respondents within two months from today, the respondents shall issue appropriate order setting aside the orders of penalty of dismissal and reinstate the applicants in service immediately after expiry of the stipulated period of two months and shall grant them all consequential benefits in accordance with rules within three months from the date of their reinstatement. Ordered accordingly.”

2. The respondents, vide their various status reports, submitted that they have reinstated the applicants into service and granted all the consequential benefits, including regularization of the break period and payment of arrears and promotion of the applicants from the date their juniors were promoted, and accordingly pray for dismissal of the contempt proceedings.

3. Learned counsel for applicants does not dispute the said fact in respect of applicant Nos. 2 to 4. However, in respect of respondent Nos. 1 and 5, he submits that the respondents have not promoted them to the higher post by mentioning certain grounds, and hence it cannot be said that the respondents have fully complied with the directions of the Tribunal.

4. It is seen that since the respondents have reinstated the applicants and also regularized their break period and paid arrears of salary and also considered their cases for promotion from the date of promotion of their juniors and in fact promoted applicant Nos. 2 to 4, we are satisfied that the respondents have substantially complied with the orders of this Tribunal. Accordingly, this Contempt Petition is closed. Notices are discharged. However, if any of the applicants are still aggrieved, they are at liberty to seek remedy in accordance with law. No costs.

(K.N. Shrivastava)
Member (A)

(V. Ajay Kumar)
Member (J)

September 28, 2016
/sunil/