

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

C.P. No. 772/2015
O.A. No. 4014/2015

New Delhi, this the 18th day of January, 2016

**HON'BLE MR. JUSTICE SYED RAFAT ALAM, CHAIRMAN
HON'BLE MR. P.K. BASU, MEMBER (A)**

Ms. Rekha Hemal,
Lecturer (Interior Design/Decoration),
W/o Shri Manoj Hemal,
R/o 231, Gulmohar Enclave,
Gulmohar Park Road,
New Delhi.

.. Applicant

(By Advocate : Shri Sourabh Ahuja)

Versus

1. Ms. Puniya Salila Srivastava,
Principal Secretary,
Department of Training & Technical Education,
Muni Maya Ram, Pitampura,
Delhi-110088.

2. Shri K.K. Sharma,
Chief Secretary,
GNCT of Delhi,
Delhi Sachivalaya,
Players Building,
I.P. Estate,
New Delhi.

.. Respondents

(By Advocate : Shri N.K. Singh for Mrs. Avnish Ahlawat)

ORDER (ORAL)

By Mr. Justice Syed Rafat Alam

This is an application for initiating contempt proceedings against the respondents for the alleged disobedience of the order of the Tribunal dated 03.11.2015 in O.A.No.4014/2015.

2. We have heard Shri Sourabh Ahuja, learned counsel for the applicant and Shri N.K. Singh proxy for Mrs. Avnish Ahlawat, counsel appearing for the respondents.

3. It appears that the applicant filed the aforesaid O.A., inter alia, with the grievance that respondents have not considered his claim for grant of selection grade of PB-3 and PB-4.

4. Having heard the counsel for the parties and keeping in view that the applicant has already availed the remedy by giving representation before the respondents in respect of the aforesaid grievance which was pending before the respondents, we thought it appropriate, at that point of time, to dispose of the Original Application with a direction to the respondents to decide the representation of the applicant by recording reasons. Pursuant to the aforesaid direction, the respondents have passed order on 07.01.2016, after filing of the Contempt Petition, i.e. on 14.12.2015. Copy of order dated 07.01.2016 produced by the learned counsel for the respondents is taken on record.

5. Learned counsel for the respondents states that since the respondents have already taken a decision in compliance of the aforesaid order of the Tribunal, this Contempt Petition is not maintainable.

6. On the other hand, learned counsel for the applicant vehemently contended that about 30-35 persons junior to the applicant have already been granted the aforesaid benefit which fact was asserted in the representation, but the respondents have not addressed that issue in the order dated 07.01.2016 though they were required to give a reasoned order.

7. Be that as it may, looking to the facts of the case and submissions on behalf of both sides, we are, prima facie, of the view that the respondents have made substantial compliance of the order passed by the Tribunal by disposing the aforesaid representation. However, if the applicant is not satisfied with the order and further his juniors have been given the aforesaid benefit which has been denied to the applicant, he can challenge the aforesaid order dated 07.01.2016 by availing appropriate remedy under law but the Contempt Petition cannot be maintained.

8. Therefore, the contempt petition is disposed of with the aforesaid liberty to the applicant. The respondents/contemnors are discharged from notices.

(P.K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/Jyoti/