

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

C.P.No.775/2012 in O.A. No.1778/2011

Tuesday, this the 13th day of October 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Dr. B. K. Sinha, Member (A)**

Mrs. Lalita w/o Mr. Rakesh
r/o 642 Pole No.46
Mithan Panna, Village Mundka
Nangloi, Delhi-41

..Applicant

(Mr. J P Singh, Advocate for Mr. A P Dhamija, Advocate)

Versus

1. Mr. Manish Gupta, Commissioner
South Delhi Municipal Corporation
Civic Centre
Shyama Prasad Mukherjee Marg
New Delhi
2. Mr. G R Garg
Deputy Commissioner
South Delhi Municipal Corporation
Najafgarh Zone, Najafgarh
New Delhi
3. Mr. J K Tank
Sanitary Superintendent
South Delhi Municipal Corporation
Najafgarh Zone, Najafgarh
New Delhi

..Respondents

(Mrs. Anupama Bansal, Advocate)

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

The only direction given by this Tribunal in Order dated 17.2.2012 passed in O.A. No.1778/2011 was to take decision regarding the claim of the applicant by way of a speaking order. We find that the decision, as directed by the Tribunal, has been taken by the Deputy Commissioner, South DMC,

Najafgarh Zone on 14.11.2013. Learned proxy counsel for applicant submitted that Mr. Manish Gupta was one of the contemnors in the petition, thus the reply ought to have been filed by him. Further submission made by him is that the Tribunal granted two months' time for implementation of the Order while the respondents have passed the same after expiry of more than one year.

2. As far as the first plea is concerned, we find that the Deputy Commissioner, South DMC is contemnor No.2 in the matter and the compliance report has been filed by him. As far as delay in implementation of the Order is concerned, it is *stare decisis* that it is willful disobedience of the Order of the Court, which constitutes contempt and once there is willingness on the part of the judgment-debtor to implement the Order, mere delay in implementation of the Order may not constitute contempt.

3. In the wake, Contempt Petition is disposed of. Notices issued to the respondents are discharged. The applicant would be at liberty to assail the speaking order passed by the respondents in appropriate proceedings. No costs.

(Dr. B.K. Sinha)
Member (A)

(A.K. Bhardwaj)
Member (J)

October 13, 2015
/sunil/