

**Central Administrative Tribunal
Principal Bench**

**CP No.49/2018
OA No.3122/2015**

New Delhi, this the 22nd day of May, 2018

**Hon'ble Mr. Justice Dinesh Gupta, Chairman
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Krishan Kumar Dahiya
Aged about 56 years,
S/o Late Ranbir Singh
R/o 773, Makhan Singh Block,
Asiad Village Complex,
New Delhi 110 049. ... Applicant.

(By Advocate, Shri M. K. Bhardwaj)

Vs.

1. Shri Rajiv Gauba
Secretary
Ministry of Home Affairs,
North Block,
New Delhi.
2. Sh. Ajay Mital
Secretary (Rtd.)
Ministry of Personnel, Public Grievance and Pensions,
Department of Personnel & Training (DoP&T)
North Block,
New Delhi. ... Respondents.
3. Sh. C. Chandramouli
Secretary
Ministry of Personnel, Public Grievance and Pensions,
Department of Personnel & Training (DoP&T)
North Block,
New Delhi. ... Respondents.

(By Advocate, Shri N. D. Kaushik)

: O R D E R (ORAL) :

Justice Dinesh Gupta, Chairman:

This CP has been filed for alleged non-compliance of the Tribunal's order dated 21.02.2017 passed in OA No.3122/2015. The contempt petitioner was not a party to the proceedings of the OA.

2. Shri N. D. Kaushik, learned counsel for the respondents raised a preliminary objection regarding the *locus standi* of the petitioner herein to file such a contempt petition in view of the fact that he was not a party to the aforesaid OA.

3. Shri M. K. Bhardwaj, learned counsel for the petitioner has placed on record a judgment of Apex Court in the case of *Om Prakash Jaiswal vs. D. K. Mittal and Anr.* AIR 2000 SC 1136, wherein, *inter alia* it has been ruled as under:-

“ 18. In the case at hand the order which was passed on 15.1.1987 had called upon the respondents only to show cause why contempt proceedings be not initiated. After the cause was shown the Court was to make up its mind whether to initiate or not to initiate proceedings for contempt. It was not an initiation of proceedings. We will ignore the order dated 16.12.1987 as it was not signed. But the order dated 6.1.1988 issuing notices to the opposite parties to show cause why they be not punished for disobeying the order dated 9.12.1986, shows and it will be assumed that the Court had applied its mind to the facts and material placed before it and had formed an opinion that a case for initiating proceedings for contempt was made out. Need for issuance of such notices was conceded to by the Advocate General as also by the counsel for the respondents. That is why it directed the respondents to be called upon to show cause why they be not punished for disobedience of the order of the Court. The proceedings were therefore initiated on 6.1.1988 and were within the limitation prescribed by Section 20 of the Act.

The impugned order directing dropping of the proceedings is based on an erroneous view of Section 20 of the Act and hence is liable to be set aside.

4. In view of the aforementioned dictum of Hon'ble Supreme Court, we consider that the petitioner is just an informer and, therefore, decided to look into the alleged committal of contempt without considering the petitioner as party to the contempt proceedings.

5. Shri N. D. Kaushik, learned counsel for the respondents submitted that the compliance affidavits have been filed on behalf of respondent Nos.1 & 3. It is stated that necessary action has already been taken by the Ministry of Home Affairs to implement the Tribunal's directions. In the additional compliance affidavit filed on behalf of respondent No.1., in its para xiii details have been furnished with regard to the action taken. It is also stated therein that consultation with the Cabinet Secretariat and department of expenditure are in the process. Shri Kaushik thus argued that there is no willful disobedience on the part of the respondents in complying the Tribunal's order.

6. We are quite convinced that there is no willful disobedience by the respondents to implement the directions but due to the procedure involved, the compliance has not been done within the prescribed time frame of five months.

7. In this view of the matter, we close this contempt petition. The respondents may pray for extension of time for compliance of the Tribunal's order by filing proper application in this regard.

Order 'Dasti'.

(K. N. Shrivastava)
Member (A)

Justice Dinesh Gupta
Chairman

/pj/