

**Central Administrative Tribunal
Madras Bench**

CP/310/00008/2018 in OA/310/00800/2015

Dated the 11th October Two Thousand Eighteen

P R E S E N T

**Hon'ble Mr.P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

Malla Krishna Rao, Law Officer,
S/o late M.Ranga Rao,
E-5, JIPMER,
Pondicherry-6. .. Applicant/Applicant
By Advocate **M/s.V.Ajayakumar**

Vs.

1. Dr. M.K.Bhan,
President of JIPMER,
F-14, Houzkhlas Enclave,
New Delhi 110 016.
2. Dr.Subhash Chandra Parija S/O,
Director, JIPMER,
Puducherry 605 006. .. Respondents/Respondents

By Advocate **Mr.M.T.Arunan**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

This is a Contempt Petition filed by the applicant in OA 800/2015 seeking punishment of the respondent/contemnors.

2. According to the applicant, the respondents had failed to comply with the orders passed and the relief sought in the petition is as follows:-

“to punish the respondents for wilful disobedience of the interim orders of this Tribunal in OA 800/2015 dated 24th June 2015 and dated 15th October 2015 and pass such further or other orders and thus render justice.”

3. This Tribunal has passed an order dated 24.6.2015 directing the respondents *“it is a matter of fact that the appointment of the applicant as Welfare Officer has been approved by the President of the Institution and the matter is placed before the governing body for adjudication. Such is the situation, there shall be an interim direction to the respondents to expedite the ratification of the selection of the applicant as Welfare Officer pursuant to the notification dated 27.6.2014 preferably within 6 weeks from the date of receipt of communication of this order.”* According to the applicant, another interim order dated 15.10.2015 as follows *“During the hearing, learned counsel for the applicant produced a number of appointments issued without taking approval of the governing body. If it is correct, then respondents shall give an explanation why a different approach has been followed in the case of*

applicant alone. The documents filed by the counsel for the applicant is taken on record. The respondents are directed to file an affidavit clarifying the position alongwith the file on which the relevant appointments were processed and also the file on which the applicant's appointment has been processed in the next date of hearing. It is open for the respondents to issue an order of appointment in the meantime."

4. The counsel appearing for the Contemnor filed a detailed reply reporting the appointment of the applicant in this CP as Welfare Officer as per order No. Admn.11/(15)/2014 in order No.56(2018) series dated 22.3.2018. The applicant has also joined the post of Welfare Officer and he was given all the benefits. Respondent/Contemnor had also produced a copy of the said order.

5. The counsel for the applicant would submit that the respondent had not produced the file relating to other appointments and filed affidavit as per order dated 15.10.2015.

6. On a perusal of the interim orders passed ie., 24.6.2015 and 15.10.2015, it can be seen that both these orders were passed as an interim measure without hearing the other side. On a reading of the interim order dated 15.10.2015 it is mentioned that the respondent will file affidavit and produce the file on the next hearing date if the allegation is correct. The court had also given option that it is open for the respondents to issue an order of appointment in the meantime. Even in the interim

order dated 24.6.2015, the court had not given a fixed date before which the order has to be complied with. There is also no material to show that respondent/contemnor had acted with any ulterior motive or with malafides or in a wilful manner.

7. In the result, we are of the view that the order of the Tribunal had been substantially complied with and there is no further scope in continuing with the matter.

8. Accordingly the CP will stand dismissed.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

11.10.2018

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