

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Civil Contempt Petition No. 200/00072/2016
(in OA 200/00334/2016)

Jabalpur, this Thursday, the 15th day of February, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

J.N. Malpani
S/o Late Shri P.D. Malpani, IAS
Aged about 59 years,
R/o 36 E-8 Extension
Arera Colony
Bhopal (M.P.)

-Petitioner

(By Advocate – **None**)

V e r s u s

1. Shri Bhanu Pratap Sharma
Secretary,
Ministry of Personnel Public Grievances
and Pension,
Department of Personnel and
Training, Government of India
New Delhi 110001

2. Smt. Rashmi Arun Shami
Secretary (Personnel)
General Administration
Department Mantralya
Vallabh Bhawan
Bhopal 462004

-Respondents/Contemnors

(By Advocate –**Shri S.P. Singh for respondent No.1 &**
Shri Vijay Pandey for respondent No.2)

O R D E R**By Ramesh Singh Thakur, JM.-**

This Contempt Petition has been filed by the petitioner under section 17 of the Administrative Tribunals Act read with Section 12 of the Contempt of Courts Act for non-compliance and willful disobedience of the order dated 19.07.2016 (Annexure C-1) passed by this Tribunal in Original Application No.200/334/2016 on the part of the respondent/contemnors.

2. None for the petitioner. Shri Manoj Sharma, learned counsel for the petitioner is on adjustment.

3. Vide order dated 19.07.2016, this Tribunal has passed the following order:-

“3. As the appeal of the applicant filed under Rule 16 of the All India Services (D&A) Rules, 1969 for cancellation of the suspension order issued by the General Administration Department, Govt. of M.P. dated 28.12.2015 is stated to be pending consideration, I do not think that it will prejudice either of the sides if the matter is disposed of by directing the Respondent No.1 to consider the appeal of the applicant as per Rules. Accordingly, without going into the merit of the matter, we dispose of this O.A., at this stage by directing Respondent No.1 to consider the appeal dated 14.01.2016 as per rules and regulations in force, if the same is still pending

consideration, and pass a reasoned and speaking order within a period of four weeks from the date of receipt of a copy of this order communicating the same to the applicant. However, if in the meantime, the said appeal has already been disposed of then the order be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

4. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.”

4. Learned counsel for the respondent/contemnor No.1 submits in his reply that after examining the complete record of the case and memo of appeal as submitted by the petitioner, passed the reasoned and speaking order vide order dated 14/15th December 2016 and the same has been endorsed to the petitioner and chief Secretary Govt. of M.P. Hence the order of the Tribunal has been duly complied with.

5. In the reply of respondent/contemnor No.2 it has been stated that the enquiry which was pending against the petitioner in which he was placed under suspension, itself concluded by order dated 14.06.2017 and the same has been conveyed to the petitioner. He further submits that the enquiry was closed against the petitioner without any punishment and therefore the suspension is automatically

came to an end. The appeal dated 28.12.2015 preferred by the petitioner, before the respondent No.1 was already decided by the DOP&T, vide order dated 14/15.12.2016 and the same was communicated to the petitioner. Therefore, the order of this Tribunal has substantially complied with.

6. In view of the submissions made by learned counsel for both respondents/contemnors, this Contempt Petition is hereby dropped. Notices issued to the respondents/contemnors are discharged.

(Ramesh Singh Thakur)
Judicial Member
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(Navin Tandon)
Administrative Member