

**CENTRAL ADMINISTRATIVE TRIBUNAL
AMHEDABAD BENCH**

**Contempt Petition No. 02/2019 in OA No. 549/2016
Ahmedabad, this the 7th day of January, 2019**

CORAM :

**Hon'ble Ms. Archana Nigam, Member (Administrative)
Hon'ble Mr. M.C. Verma, Member (Judicial)**

Bharatkumar Bhikhbhai Vaghela aged above 36 years, resident at Samana, Taluka Jamjodhpur, District Jamnagar – 360 520. **..... Applicant**

[By Advocate : Mr. B.R.Acharya]

VERSUS

- 1- Mr. Sanjay Mitra, Secretary or his successor in office, Ministry of Defence, New Delhi – 110 011.
- 2- Mr. V.R. Chaudhari, Deputy Chief of the Air Staff or his successor in office, Air Headquarter, Vayu Bhavan, New Delhi – 110 011.
- 3- Marshal R.K.Dhir, Air Officer, Commanding-In-Chief or his successor in office, S.W.A.C., Gandhinagar – 380 018.
- 4- Marshal B.S.Dhanoa, Staation Commander or his successor in office, Airforce Station, Samana – 360 520. **..... Respondents**

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O R D E R

Per M.C.Verma, Member (J)

Heard. The matter is at the stage of admission.

2. Learned counsel for applicant, pressing for issuance of notice submits that this Tribunal on 31.07.2018, passed order in O.A. No. 549 of 2016 and directed the respondents to appoint the applicant, but the respondents have not complied with the order and therefore, notice of contempt needs to be issued.

3. Considered the submissions and perused the records. Vide O.A. No. 549 of 2016 applicant sought appointment by way of grant of temporary status and regularisation. This Tribunal disposed of said O.A. on 31.07.2018 with direction.

The operative portion passed in O.A. reads :

"But we find that there is some merit in the question raised by the respondents as to the matriculation status of the applicant. That being so we will now hold the applicant will be eligible for his appointment to date back not from 2007 but from March 2013 as pointed out by the respondents. Since he had not worked in the interregnum he will not be eligible to have back wages but will have all the other notional benefits as his employment had been without any basis denied to him. Therefore there will be a mandate to appoint the applicant to the post as stated above or equivalent and grant him seniority and other benefits from 1st of April 2013 except back-wages."

4. No time for implementation of the order passed in O.A. No. 549 of 2016 was fixed by the Tribunal and when no time for implementation has been specified in the order, the respondents has to comply the order in reasonable time. Said order was passed on 31.07.2018. Some time might have been consumed in supplying / serving copy of the order to the respondents. At this early stage, it cannot be construed, even *prima facie*, that there is any wilful disobedience on the part of the respondents. However, to do whole justice, this C.P. is disposed of with direction to the respondents to comply with the direction given by this Tribunal in OA No. 549 of 2016 within three months, w.e.f. the date of receipt of copy of this order. The C.P. is accordingly disposed of.

[M.C.Verma]
Member (J)
mehta

[Archana Nigam]
Member (A)