

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

**Contempt Petition No. 22 of 2018
in
Original Application No. 346 of 2016**

Reserved on 21.2.2019

Pronounced on 11th March, 2019

Hon'ble Ms. Jasmine Ahmed, Member-J
Hon'ble Mr. Devendra Chaudhry, Member-A

Amitabh Thakur, aged about 50 years, S/o Sri T.N. Thakur, R/o 5/426
Viram Khand, Gomti Nagar, Lucknow

Applicant

By Advocate : Applicant in person

Versus.

Sri Arvind Kumar, Principal Secretary, Home Department, U.P.,
Lucknow.

Respondent.

By Advocate : Sri Sudeep Seth

ORDER

By Ms. Jasmine Ahmed, Member-J

The present Contempt Petition has been filed by the applicant for alleged non-compliance of judgment and order dated 26th September, 2017 passed by this Tribunal in O.A. No. 346 of 2016. The operative portion of the order dated 26.9.2016 reads as under:-

“Apart from the above, as the disciplinary authority has taken a decision to initiate enquiry, therefore, in the aforesaid facts and circumstances of the case, we are of the view that the inquiry officer may be directed to conclude this inquiry expeditiously preferably within a period of six months from the date of communication of this order. However, this order would be subject to cooperation from applicant in disciplinary proceedings for expeditious disposal.”

3. On notice, the respondent has filed Short Counter Affidavit stating therein that the applicant had filed four O.As namely O.A. No. 151 of 2018, 152 of 2018, 153 of 2018 and 154 of 2018 relating to four departmental enquiries which were heard together and decided by a common order dated 9.5.2018 directing the disciplinary authority to dispose of the representations of the applicant in the related pending enquiries before further proceeding in the matter after giving opportunity

of being heard to the applicant. The respondent has further pleaded that due to aforementioned order dated 9.5.2018, the disciplinary authority was required to dispose of representations of the applicant before further proceeding in the matter, as a consequence thereof, the inquiry in pursuance to show cause notice dated 27.5.2016 could not be concluded despite issuance of directions of this Tribunal vide order dated 26.9.2017. The respondent has also stated that after deciding the representations of the applicant, he (Opposite party) convened a meeting of Inquiry Officers holding four inquiries against the applicant vide letter dated 31.10.2018 and in the meeting dated 1.11.2018, the Opposite party directed the Four Inquiry Officers to expeditiously conclude the inquiry against the applicant. The respondent has further stated that vide order dated 2.11.2018 he (Opposite party) has informed the Four Inquiry Officers that since the representations of the applicant had already been decided vide Office order dated 10.10.2018, the enquiry proceedings be concluded expeditiously and inquiry report be submitted within a period of one month.

4. We have heard the learned counsel for the parties and perused the pleadings available on record.

5. From the facts stated hereinabove, it is quite clear that the judgment and order of this Tribunal dated 26.9.2017 passed in O.A. No. 346 of 2016 has not yet been complied with. From the perusal of Short Counter Affidavit filed by the respondent, it would show that one reason or other, the order of this Hon'ble Tribunal has not been complied with. It is also noticed that though the Opposite party vide letter dated 2.11.2018 informed all the Inquiry Officers that the representations of the applicant has been disposed of vide order dated 10.10.2018, then there is no impediment to conclude the inquiry and directed all the Inquiry Officers to conclude the inquiry within a period of one month, but after lapse of more than four months, the enquiry pending against the applicant has not yet been concluded.

6. In the aforesaid backdrop of the case and also in the interest of justice, we grant another opportunity to the respondent to conclude the pending enquiries against the applicant within a period of three months from the date of receipt of certified copy of this order.

7. In view of the aforementioned observations, the Contempt Petition stands disposed of. It is made clear that if the enquiries pending against the applicant are not concluded within the stipulated period of three months, it would be open to the applicant to move an application to revive the Contempt petition. Notice issued to the respondent is hereby discharged.

(Devendra Chaudhry)
Member-A

(Ms. Jasmine Ahmed)
Member-J

Girish/-