

**Central Administrative Tribunal  
Principal Bench**

**CP No.28/2019  
OA No.1645/2017**

New Delhi, this the 18<sup>th</sup> day of January, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Pradeep Kumar, Member (A)**

Dr. M. R. Diwan  
S/o Late D. R. Diwan  
R/o 7009, Orchid Tower,  
Paramount Symphony,  
Republic Crossing,  
Ghaziabad, UP 201009.

... Applicant.

(In person)

Versus

1. Shri C. K. Mishra through  
Secretary, Ministry of Environment & Forests,  
19, Indira Paryavaran Bhawan,  
Aliganj, Jor Bagh Road,  
New Delhi 110 003.
  2. Shri S. Dass through  
The Spl. Secy/DGF, Ministry of Environment &  
Forests, 19, Indira Paryavaran Bhawan,  
Aliganj, Jor Bagh Road,  
New Delhi 110 003.
  3. Shri Tarun Coomar through  
The Secy/PCCF, Department of Environment &  
Forests, Van Sadan, Haddo, Port Blair,  
Andaman & Nicobar Islands 744102.  
To be served through  
Resident Commissioner posted at  
Andaman & Nicobar Bhawan,  
12- Chanakya Puri,  
New Delhi 110 003.
- ... Respondents.

(By Advocate : Shri Hanu Bhaskar)

**: O R D E R (ORAL) :****Justice L. Narasimha Reddy, Chairman :**

The applicant filed OA No.1645/2017 feeling aggrieved by certain disciplinary proceedings initiated against him. The said OA was allowed through order dated 05.04.2018. The disciplinary proceedings were treated as having elapsed, and directions were issued to pay all the terminal benefits to the applicant. This contempt petition is filed alleging that the respondents did not comply with the directions issued by this Tribunal in the OA.

2. The contempt petition is argued by the applicant in person. He contends that though much time has elapsed since the OA was allowed, the respondents have not released any benefits to him.

3. Shri Hanu Bhaskar, learned counsel for the respondents obtained instructions from the respondents. He contends that the respondents filed W.P. (C) No.5653/2018 challenging the order in OA No.1645/2017, and through an order dated 25.05.2018, the Hon'ble Delhi High Court stayed the operation of the judgment in the aforesaid OA.

4. The applicant contends that though the High Court granted stay on 25.05.2018, it lapsed after six months in view of the judgment of Hon'ble Supreme Court in ***Asian Resurfacing of Road Agency vs. Central Bureau of Investigation*** (Criminal Appeal Nos.1375-1376/2013 decided on 25.04.2018).

5. The basic facts are not in dispute. The order in this OA was stayed by the High Court. From the perusal of the portion of the judgment of the Supreme Court, referred to above, it is evident that the stay granted by the High Court would lapse after six months, unless it is extended through a speaking order. The applicant did not state that no speaking order has been passed by the High Court before expiry of six months, nor is it his case that no developments have taken place in the writ petition. As of now, the order passed by the High Court on 25.05.2018 needs to be taken to be in force unless it has been specifically vacated or it is declared by the High Court itself that the order lapsed on expiry of six months, in view of the judgment of Hon'ble Supreme Court.

6. Under these circumstances, we are not inclined to entertain the CP. It is accordingly dismissed. However, it is left open to the applicant to pursue the remedies depending upon the developments in the writ petition pending in the

High Court, be it at the interlocutory or final stages. There shall be no order as to costs.

**(Pradeep Kumar)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/pj/