

**Central Administrative Tribunal
Principal Bench, New Delhi**

C.P.No.650/2018
M.A.No.5330/2018
O.A. No.1669/2017

Thursday, this the 20th day of December 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

The Registrar
Central Administrative Tribunal
Principal Bench
Copernicus Marg, Delhi – 110 001

..Petitioner

Versus

Advocate Ravi Kumar, aged 40 years
s/o Mr. Sewa Ram
r/o KG-1, 543, Vikaspuri
New Delhi – 110 018

..Respondent

(Respondent in person)

(Mr. N K Aggarwal, Advocate for respondents in O.A.)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

C.P. No.650/2018

The respondent (Ravi Kumar) filed O.A. No. 1669/2017 challenging the order of termination dated 08.08.2016. Notice was ordered and the O.A. underwent some adjournments. On 19.03.2018, this Tribunal passed a detailed order to the effect that respondent Nos. 6 to 9 are not necessary parties. He was directed to file amended memo of parties within one week. At that stage, the respondent filed W.P. (C) No.5763/2018 before the Hon'ble Delhi High Court, with one of the prayers being, a

direction to the Tribunal to dispose of the O.A. expeditiously. The writ petition was disposed of on 25.05.2018 directing that the respondents in the O.A. shall ensure that counter affidavit is filed within three weeks after the Tribunal re-opens in July and rejoinder, if any, shall be filed well before the next date of hearing, that may be fixed by the Tribunal. The O.A. was taken up on 30.05.2018. The respondent filed an amended memo of parties through an Application, and the same was ordered. He has also filed M.A. No.2460/2018 and notice returnable by 05.07.2018 was ordered.

2. On 05.07.2018, it was noticed that the pleadings in the O.A. are complete and accordingly, it was directed to be listed for final hearing on 06.12.2018. The respondent filed W.P. (C) No. 9326/2018 feeling aggrieved by the fixation of date of hearing in December. In that writ petition, the respondent made highly derogatory remarks against the Tribunal in paragraph (5). The writ petition was dismissed by the Hon'ble High Court on 19.09.2018. Taking note of the scandalous language employed by him in the writ petition, the Tribunal issued notice to the respondent requiring him to explain as to why proceedings be not initiated against him for contempt of court.

3. Respondent filed M.A. Nos.4828 & 4829/2018 taking objections to the very initiation of the proceedings as well as the jurisdiction of the Tribunal to initiate the proceedings. The said

M.As. were disposed of vide order dated 20.11.2018 and the respondent was given opportunity to file counter affidavit, if any, in the C.P. Today, it is represented that the respondent has filed W.P. (C) No. 13782/2018 before the Hon'ble High Court challenging the order dated 20.11.2018 and that the same was dismissed on 19.12.2018. The respondent did not file any reply so far. However, a memorandum expressing regrets and tendering apology is filed.

4. We heard Mr. Ravi Kumar, respondent in detail and Mr. N K Aggarwal, learned counsel for respondents in O.A. assisted the Tribunal.

5. One hardly comes across an instance, where outrageous remarks are made against any institution, much less a court of law, as was done by the respondent. There may be occasions where an advocate loses cool in the spur of moment and makes observations, which may hurt the feelings of the Judges of a court. In such cases, either on their own accord or on the advise tendered by the seniors or well wishers, they tender apology and make amends. In the instant case, however, the respondent was totally uncontrollable and he does not have even a semblance of respect for the institution. He feels free and at liberty in employing words of his choice even while certifying himself to be the epitome of virtues. Lack of respect may not be that serious, a concern. What worries us is the use of highly abuse,

derogatory and scandalous words by the respondent against all the Members of the Tribunal.

6. Even where a person has a genuine grievance against the Court, one does not choose to put the objectionable words in writing, that too, in the form of pleadings before a court. Here is a person, who has gone to the extent of hurling the most outrageous and abuses words against the Tribunal in the form of pleadings before the Hon'ble Delhi High Court in W.P. (C) No.9362/2018. They read as under:-

“1. That the members of the Hon'ble Tribunal are men of compromised integrity and are dishonest to the hilt and no trust under any circumstances can be enthused in them as has been repeatedly shown and therefore either the short O.A. 1669/2017 be heard by this Hon'ble Court or in case this Hon'ble Court experiences difficulty therein then directions be passed to the tribunal for an in-camera proceeding within two months and with final order being dictated and furnished in open court with copies of orders furnished to the applicant / respondents immediately thereafter.”

He described himself as under:-

“2.... The petitioner/Applicant's modesty, humbleness, honesty, respect for Tribunal and graceful attitude coupled with an irrefutable meritorious case has only been reciprocated with treachery, falsehood, lies, suppression, annoyance and injustice by the dishonest members of the C.A.T. and therefore the present W.P. (Civil).”

7. Assuming that this was done by him out of any uncontrollable emotion, the Hon'ble High Court was kind enough to give him an opportunity to take corrective steps. He

was not prepared for this also. The observations of the Hon'ble High Court read as under:-

“2. At the outset, on examining the tone and tenor of the language used in the writ petition, starting from the title of the petition right through the grounds, we find that they are extremely scandalous. We have asked the petitioner if he is willing to carry out necessary deletions to the objectional averments in the petition before we hear the arguments.

3. The petitioner remains defiant and submits that he is sticking by every word used in the writ petition.”

One does not need a better proof of his intention to scandalize the Tribunal, than this.

8. Even after the contempt proceedings were initiated, there was hardly any slowing down or a sense of humbleness on the part of the respondent. Leave alone repentance, his aggression has been on the rise with each date of hearing. Senior advocates and other members of the Bar, who were present in the Court, were indeed shocked and surprised. The attempts made by them to implore upon the respondent were spurned almost in a humiliating manner.

9. Respondent filed M.A. Nos.4828 & 4829/2018 raising certain objections. After hearing them at length, a detailed order was passed. There again, he was totally defiant. He filed W.P. (C) No. 13728/2018 against that order and it was dismissed by the Hon'ble High Court.

10. The respondent is in the legal profession. This is not the solitary instance of his defiance and aggression. He has chosen this attitude and approach as part of his profession. In his general attitude also, there is no respect of anyone whatever. For example, against his employer, he used the words such as 'rascal' and 'debauchery', and circulated them online. Not only the employer of the respondent, but also this Tribunal had to become desperate to protect themselves. Unless such tendencies are curbed, no institution can function with dignity and respect.

11. We gave our utmost consideration to the respondent, who is young in age and had much ahead of him. However, the repeated outbursts and instances of browbeating right in the Tribunal made us to feel that he does not deserve any sympathy whatever. It is only when he did not find any relief in the High Court, that he came forward with an apology, which, by any standard, is half-hearted and invented as a device to protect himself from the consequences of an outright contempt of an unprecedented order.

12. We are of the clear view that the apology tendered by the respondent is not the one that fits into the proviso to Section 12 (1) of the Contempt of Courts Act, 1971. He had a clear intention of denigrating and abusing the Tribunal, which is evident from the fact that he has employed most abusive words in the

pleadings before the Hon'ble High Court, and even the opportunity given to him to take corrective steps by the High Court, was spurned by him in an arrogant manner. His conduct, after initiation of the contempt proceedings, did not record any smoothening, and on the other hand, became more aggressive.

13. We, therefore, hold the respondent guilty of contempt of court under Section 12 (1) of the Contempt of Courts Act, 1971 read with Section 17 of the Administrative Tribunals Act, 1985, and sentence him to undergo simple imprisonment for a period of three months. We, however, suspend the sentence for a period of eight weeks from today. The Registry of the Tribunal shall forward a copy of this order to the Bar Council of India, Delhi State Bar Council and the Commissioner, Delhi Police. The further steps to be taken after expiry of eight weeks shall depend upon the developments that take place in this behalf. If the sentence is not stayed by the Hon'ble High Court or the Hon'ble Supreme Court, the Registrar shall ensure that the sentence is enforced.

(K.N. Shrivastava)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

December 20, 2018
/sunil/