

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**C.P. No. 400/2018 In
O.A No. 892/2018**

Reserved on : 30.08.2019

Pronounced on : 30.09.2019

**Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Jagdish Chandra Nainwal,
Casual Employee (D),
Aged about 47 years,
S/o. Late Sh. Lokrani Nainwal,
R/o. Ginti Gaon, P.O Kotabagh,
Distt. Nainital, Uttrakhand.
2. Sanjay Kumar, Casual Employee (D),
Aged about 37 years,
S/o. Sh. Hayat Singh,
R/o. Village Bagga, P.O. Noureia,
Distt. Khatima, Uttrakhand.
3. Kuldeep Singh,
Casual Employee (D),
Aged about 35 years,
S/o. Sh. Baryam Singh,
R/o. Gusain Pur, P.O. & Tehsil Pathankot,
Distt. Gurdaspur, Punjab.
4. Jaspal, Casual Employee (D),
Aged about 45 years,
S/o. Sh. Gurdas Mal,
R/o. Nala P.O. Gharota,
Tehsil & Distt. Pathankot, Punjab.
5. Davinder Singh,
Casual Employee (D),
Aged about 41 years,
S/o. Sh. Pritam Singh,
R/o. Village Haar, P.O. Deololi, Tehsil Haarchakiya,
Distt. Kangra, Himachal Pradesh.
6. Tej Singh, Casual Employee (D),
Aged about 36 years,
S/o. Sh. Dewan Singh Bhandari,
R/o. Village Boragaun, Panthuri,
P.O. & Distt. Pithoragarh, Uttarakhand.

7. Padma Wangtak, Casual Employee (D),
 Aged about 34 years,
 S/o. Labzing Tongtak,
 R/o. Village Mulbeck Pachahar,
 Distt. Kargil (Ladakh). ...Applicants

(By Advocate : Mr. M. K. Bhardwaj)

Versus

1. Sh. Sanjay Mitra,
 Secretary, Ministry of Defence,
 South Block, New Delhi.
2. Lieutenant General Ambre,
 Quarter Master General,
 Quarter Master General's Branch,
 Integrated HQ of MoD (Army),
 Sena Bhawan, New Delhi-11.
3. Sh. S. Sudhir Kashyap,
 Dy. Dir Gen of Mil Farms,
 Quarter Master General's Branch,
 Integrated HQrs of MoD (Army),
 West Block Nc. III, R. K. Puram,
 New Delhi-110 066. ...Respondents

(By Advocate : Mr. U. Srivastava)

O R D E R

Ms. Aradhana Johri, Member (A) :

This C.P. has been filed to ensure compliance of order dated 27.02.2018 passed in O.A No. 892/2018. The operative part of the said order reads as under :-

“4. In the circumstances, the O.A is disposed of at the admission stage itself, without going into the other merits of the case, by directing the respondents to consider Annexure A-I, Legal Notice dated 30.11.2017 got issued on behalf of the applicants by duly keeping in view the various annexures of the O.A and to pass appropriate reasoned and speaking orders thereon, in accordance with law, within 90 days from the date of receipt of a copy of this order. No order as to costs.

Let a copy of the O.A be enclosed to this order.”

2. Heard learned counsel for applicants Mr. M. K. Bhardwaj and Mr. U. Srivastava, learned counsel for respondents.

3. During the course of arguments, learned counsel for applicant has vehemently argued that since the respondents are not regularising services of the petitioners, contempt proceedings should be initiated against them.

4. Respondents have filed order dated 02.04.2019 along with compliance affidavit, vide which they have considered the legal notice dated 30.11.2017 and passed a reasoned and speaking order. In fact they have even given the relief of regularisation to applicant no. 1 Sh. Jagdish Chandra Nainwal.

5. It is to be noted that in the case of **J. S. Parihar Vs. Ganpat Duggar** reported in (1996) 6 SCC 29, it was held by the Hon'ble Supreme Court that correctness of an order passed by a statutory authority on the directions of the writ court cannot be examined under the contempt jurisdiction. No doubt the resultant order may give rise to a

fresh cause of action. Similarly in the case of **Shail Raj Kishore, Secretary, Education Basic, U.P. Lucknow and others** reported in 2004(3) AWC 2444, the Hon'ble Allahabad High Court held that "if the applicants feel that the order passed by the opposite party is not in accordance to the intent or desire of the court or otherwise illegal and arbitrary, the same can only be challenged before the appropriate forum. In various cases, the Apex Court has held that "Contempt court cannot go into the merit of the order. Various grounds raised by the learned counsel for the applicant to submit that the order is bad in law required consideration and adjudication, which can only be done by the appropriate court and not by this Court."

Likewise in the case of **Anil Kumar Sahi(2) Vs. Prof Ram Sewak Yadav** reported in (2008) 14 SCC 115, the Hon'ble Apex Court held that "When the court direct the authority to consider a matter in accordance with law, it means that the matter should be considered to the best of understanding of an authority to whom direction is given, therefore, mere error of judgment with regard to legal position does not constitute contempt of court. There is no wilful disobedience, if the best efforts are made to comply with the court order."

6. In view of this, we find that this Tribunal's order

dated 27.02.2018 in O.A No.892/2018 has been complied with. In case the applicants are aggrieved by the said order dated 02.04.2019, they have other legal remedies available. Contempt Petition is closed and the notices are discharged.

(Aradhana Johri)
Member (A)

(Jasmine Ahmed)
Member (J)

/Mbt/