

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

CP/310/00027/2019 in OA/310/00194/2015

Dated Wednesday the 19th day of June Two Thousand Nineteen

**CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

B.Sugumaran,
Scientist 'C',
Electronic Test and Development Center,
ETDC Building,
Dr. V.S.I Estate,
Thiruvannmiyur,
Chennai – 600 041

...Applicant

By Advocate M/s A.R.Suresh

Vs

1. Shri.Umesh Kumar Nandwani,
The Director General,
Standardisation, Testing & Quality Certification Directorate,
Department of Electronics and Information Technology,
Electronic Niketan,
No.6, NGO Complex,
New Delhi- 110 003.
2. Shri.S.Ramakrishna (Retd) , and now Vacant
The Joint Director,
Standardisation, Testing & Quality Certification Directorate,
Department of Electronics and Information Technology,
Electronic Niketan,
No.6, NGO Complex,
New Delhi- 110 003.
3. Shri. K.K.Simon
The Deputy Director,
Standardisation, Testing & Quality Certification Directorate,
Department of Electronics and Information Technology,
Electronic Niketan,

No.6, NGO Complex,
New Delhi- 110 003.

4. Dr. R. Muthukumar,
The Director,
Electronic Test & Development Center,
ETDC Building,
Dr. V.S.I. Estate,
Thiruvananthapuram,
Chennai 600041.

....Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

This CP has been filed alleging wilful disobedience of the order of this Tribunal in OA 194/2015 dt. 30.03.2016.

2. The grievance of the applicant is that while the respondents completely ignored the direction given by this Court by the said order to review their decision and permit the applicant to participate in the second level screening, independent of the same, they had considered his case in 2018 and passed an order dt. 05.01.2018 approving his promotion from Scientist-C to Scientist-D. Accordingly, the respondents are liable to be punished for contempt.

3. To a pointed question from the Bench as to what the applicant was doing after obtaining the relief sought by him in OA 194/2015 by order dt. 30.03.2016 till the order of promotion dt. 05.01.2018 which made no reference to the order of this Tribunal, learned counsel would only submit that the contempt arose only when the applicant was promoted on 05.01.2018 and not before. Thereafter, the applicant made a representation dt. 18.06.2018 and 14.09.2018 drawing the attention of the competent authority to the order of this Tribunal which was not responded to. As such, the respondents committed contempt only in September 2018 and this CP having been filed within one year could be proceeded with in accordance with the Contempt of Courts Act.

4. We have considered the matter. As the applicant is unable to explain the lethargy on his part after obtaining specific relief by an order dt. 30.03.2016 to

be permitted to participate in the second level screening of the selection process in the relevant year and there is no evidence of any attempt by the applicant to exercise an appropriate legal remedy after his alleged representations on 02.05.2016, 13.06.2016 & 18.08.2016 failed to evoke a response, it is not possible to entertain the contempt petition now.

5. We are not in agreement with the learned counsel that in terms of Sec. 20 of the Contempt of Courts Act, contempt arose only when the last of the representations against the allegedly contemptuous order is not replied to as such representations cannot be allowed to camouflage or condone the negligence and lethargy on the part of the applicant. When a specific relief had already been granted to the applicant by the Tribunal by an order dated 30.03.2016 which the applicant failed to press within a reasonable time, no contempt petition could be entertained at this distant date.

6. CP is devoid of merits and is accordingly dismissed.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

19.06.2019

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