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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO.132/2004
in
O.A. NO.864/2003

This the 30th day of April, 2004

HON'BLE SHRI V.K.MAJOTRA, VICE-CHAIRMAN (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Central Electrical & Mechanical Engineering Service Group 'A' (Direct Recruits) Association through General Secretary, Room No.117, Vidyut Bhawan, Shankar Market, New Delhi-110001.

2. J.K.Chaudhary, Chief Engineer (Elect), CPWD, C-II/2369, Vasant Kunj, New Delhi-110070.

... Applicants

(By Shri G.K.Aggarwal, Advocate)

-versus-

Shri K.N.Agarwal,
Director General (Works),
Central Public Works Department,
Nirman Bhawan,
New Delhi-110011.

... Respondent

(By Shri A.K.Bhardwaj, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, V.C.(A) :

In OA No.864/2003 applicants had sought quashing of respondents' orders dated 1.8.2002 and 11.3.2003 by which the two cadres of Chief Engineer had been merged without amending the rules. Holding that amendment in the recruitment rules would be necessary if the State had to amalgamate departments, the impugned orders were quashed vide orders dated 17.12.2003 whereby OA No.864/2003 was disposed of. It was further clarified that if any such merger of the two cadres had to be effected, that should

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only be done after taking necessary steps in accordance with law. Through the present petition, applicants have alleged that respondents have committed wilful disobedience of Tribunal's orders. The learned counsel of applicants contended that with the quashing of the impugned orders, de-merger of the two cadres of Chief Engineer with restoration to the earlier two cadres should have been in place with immediate effect.

2. On the other hand, although respondents have not filed any reply to this petition, the learned counsel of the respondents maintained that after the quashing of the impugned orders, the original two cadres would not have come into effect automatically and immediately as it requires re-allocation of the concerned officials to the original cadres which process requires a reasonable period. The learned counsel contended that the contempt petition has been filed prematurely.

3. When no time limit is prescribed for implementing directions of the Court, a period of six months is normally considered reasonable for compliance of Court's directions. OA No.864/2003 was disposed of on 17.12.2003. Period of six months has yet not elapsed. We do not agree with the contention of the learned counsel of applicants that compliance of the directions does not require any action on the part of the respondents and the same comes into effect automatically and immediately. Re-allocation and orders to that effect are necessary to effectuate the de-merger restoring the original cadres. Respondents do have a period of six

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months from receipt of a copy of Tribunal's orders for implementing the directions of the Tribunal.

4. As such, this contempt petition is dismissed as premature.

S. Raju

(Shanker Raju)
Member (J)

/as/

V. K. Majotra

(V. K. Majotra)
Vice-Chairman (A)

30.4.04