

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO.216/2004
in
O.A. NO.1176/2003

9

This the 21st day of July, 2004

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

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

B.K.Srivastava S/O S.S.Lal,
R/O 143 Arjun Nagar,
Safdarjung Enclave,
New Delhi-110029.

... Applicant

(By Shri S.N.Anand, Advocate)

-versus-

1. Ms. Shailaja Chandra,
Chief Secretary,
Government of NCT of Delhi,
Delhi Secretariat,
I.P.Estate, New Delhi.
2. Shri M.K.Mishra,
Secretary-cum-Director (Employment),
Government of NCT of Delhi,
5, Sham Nath Marg,
Delhi-110054.

... Respondents

O R D E R (ORAL)

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

OA No.1176/2003 was disposed of vide order dated
19.12.2003 with the following directions :


"7. Keeping in view the aforesaid, the petition, qua this relief, is disposed of with the direction that the disciplinary authority, on face of what has been observed above, will pass a fresh order pertaining to the period from 3-11-1983 to 4-8-1997 in accordance with law."

2. The learned counsel pointed out that applicant has made repeated representations for implementation of Tribunal's directions. Although till 29.6.2004 when the present contempt petition was filed, respondents had not taken any action on the Tribunal's directions, they have

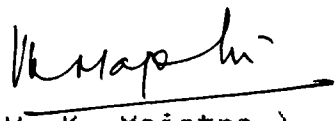
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now passed an order dated 6.7.2004 copy whereof was filed during the course of hearing today. The learned counsel stated that these orders ~~have been~~ ^{have been} passed against the observations of the Court made in order dated 19.12.2003. We have gone through these orders passed by the respondents in pursuance of Tribunal's directions made in order dated 19.12.2003. It has been stated therein that as the applicant had been exonerated vide order dated 14.12.2001 in disciplinary proceedings initiated on 29.1.1992, the period of suspension from 3.11.1983 to 21.10.1984 has been treated as period spent on duty. However, so far as the period from 22.10.1984 to 4.8.1997 is concerned, applicant was found to be running a private business for which he had submitted 95 false certificates to the effect that he was unemployed. His suspension was revoked on 4.8.1997 but he refused to accept the orders of revocation of suspension and did not join duty. Ultimately, he reported for duty on 6.10.1997. Period from 22.10.1984 onwards and from 4.8.1997 to 5.10.1997 has been treated as period not spent on duty. Respondents had been directed to pass fresh orders pertaining to applicant's suspension from 3.11.1983 to 4.8.1997 in accordance with law. Respondents have passed such detailed orders on 6.7.2004 which can be assailed by the applicant, if he feels aggrieved, in appropriate proceedings. Otherwise, in our view, respondents have complied with the Tribunal's directions.

3. As such, the contempt petition is dismissed at admission stage itself.


(Kuldip Singh)
Member (J)

/as/


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

21.7.04