

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 402/2003 in
OA 1305/2003

New Delh this the 24th day of November, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.A.Singh, Member (A)

Rama Shankar Singh
UDC (Under Suspension)
Dorectorate of Employment,
Govt.of NCT of Delhi
R/O 1325, Kalyan Vas Govt.Quarters,
Delhi.

..Petitioner

(By Advocate Shri S.N.Anand)

VERSUS

Shri M.K.Mishra,
Secretary-cum-Director (Employment),
Govt.of NCT of Delhi 2, Battery Lane,
Delhi

..Respondent

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

We have heard Shri S.N.Anand, learned counsel for the petitioner in CP 402/2003 in OA 1305/2003. By Tribunal's order dated 22.5.2003 the following directions were given to the respondents:-

"Keeping in view the totality of facts, the present application is disposed of directing the respondent (Secretary-cum-Director (Employment) to look into the representation of the applicant dated 31.1.2003, a copy of which is Annexure-M and pass an appropriate speaking order in accordance with Law preferably within three months of the receipt of a certified copy of the present order".

2. In pursuance of the aforesaid directions of the Tribunal, our attention has been drawn to the order passed by the respondents dated 7.10.2003 (Annexure CP 2).

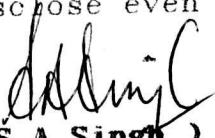
3. Learned counsel for the petitioner has submitted that the above referred to order passed by the respondents

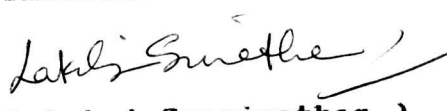
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is not in order. He submits that this order is not a speaking order and does not also take into consideration certain contentions made by the petitioner, including the revocation of suspension with regard to four other persons, which facts are mentioned in Para 2 of the Tribunal's order dated 22.5.2003. He has, therefore, prayed that the Contempt ^{jurisdiction} ~~Petition~~ of this Tribunal should be invoked to punish the alleged contemner.

4. We have carefully considered the pleadings and the submissions made by the learned counsel for the petitioner. We are unable to agree with either of his contentions that the order issued by the respondents dated 7.10.2003 is ⁱⁿ wilful or contumacious disobedience of Tribunal's order justifying any action to be taken against the respondents. The respondents have given the reasons which are cogent and reasonable in the circumstances of the case to take ^a ~~the~~ decision that the petitioner shall remain under suspension till further orders. In the circumstances, we are unable to agree with the contentions of the learned counsel that this is not a speaking order or there is any justification to initiate contempt proceedings against the alleged contemner. In this view of the matter, CP 402/2003 which does not disclose even a prima facie case is dismissed.


(S.A. Singh)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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