

266

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

CP NO. 439/2005
MA NO. 1335/2004
OA NO. 3092/2003

This the 23rd day of November, 2005

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)
HON'BLE MR. D.R.TIWARI, MEMBER (A)

Vijay Kumar Aggarwal,
I.A.S. aged 51 years,
S/o Shri Prem Chand Aggarwal,
R/o C-8-C, Pandav Nagar, Delhi-110092.

(Applicant in person)

Versus

1. Mr. R.M.Premkumar, I.A.S.,
Ex-Chief Secretary,
Government of Maharashtra,
Mantralaya, Mumbai-400032.
2. Ms. Seema Vyas, Joint Secretary,
Government of Maharashtra,
Mantralaya, Mumbai-400032.

ORDER (ORAL)

Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)

Applicant has filed this application for initiating a proceeding under the Contempt of Courts Act against the respondents complaining that the order of the Tribunal dated 12.10.2004 has been wilfully and deliberately disobeyed by the respondents and they are in contempt and should be punished.

2. After perusing the OA and hearing the applicant, we are of the considered view that contempt petition would not lie as no interim order was passed, non-compliance of which was complained against.

3. As per the allegations made by the applicant, he has filed OA No.3092/2003 in which MA No.1355/2004 was filed and OA No.2947/2003 in which MA 1366/2004 was filed.



4. It is also stated by the applicant, who has argued in person, that both the abovementioned applications were heard on the same date, i.e., on 12.10.2004 and the Tribunal had passed the following order:-

“Learned counsel for respondents states that till the next date of hearing, final order in disciplinary proceedings shall not be passed.”

5. It is further alleged that inadvertently the aforesaid order was not written in OA No.3092/2003. Accordingly, no order for its extension was passed in the subsequent proceeding conducted in OA No.3092/2003. However, from the proceeding dated 22.2.2005 onwards, the interim order was directed to be continued from date to date.

6. In the present application applicant complains that the said order dated 12.10.2004 shall be deemed to have been passed in the present OA also and respondents have intentionally and deliberately disobeyed it by withholding the increment of the applicant for 3 years. Respondents are as such in contempt.


7. The order sheet of the Tribunal dated 12.10.2004 shows that the following order was passed in MA-1335/2004 in OA No.3092/2003:-

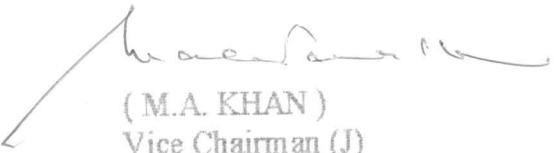
“ MA 1335/2004

Applicant states that if necessary, he will file the rejoinder within two weeks because copy of the counter-reply has been received by him today. Allowed as prayed List on 3.11.2004.”

It is clear from the above order that no order as referred to in para 3 was passed in MA 1335/2004. In other words in OA 3092/2003 there is no order which may be treated to be an interim order passed by the Tribunal in the present proceeding. It appears that in the order sheet from 22.2.2005 onwards, the order “interim order to continue till then” was written routinely. There is no conscious order that the order passed by the Tribunal in other OA No.2947/2003 on 12.10.2004 or on any other date shall be deemed to have been passed in OA-3092/2003 also. The present proceeding is for initiating contempt action against the respondent for committing Contempt of Court of the order dated 12.10.2004. There is no order dated 12.10.2004 which has been disobeyed by the respondent. The

respondents, as such, cannot be held to have committed contempt of this Tribunal for which proceedings under Contempt of Court can be initiated against them. Contempt action is a serious matter and proceeding cannot be initiated lightly. Contempt Petition does not lie. Accordingly, it is dismissed.


(D.R. TIWARI)
Member (A)


(M.A. KHAN)
Vice Chairman (J)

'sd'