

(2018) 10 CAT CK 0110

In the Central Administrative Tribunal

Case No : Contempt Application No. 305 Of 2014, Original Application No. 1261 Of 2011

Jawahar Singh

APPELLANT

Vs

Parveen Kumar Gupta

RESPONDENT

Date of Decision : 09-10-2018

Acts Referred:

Citation : (2018) 10 CAT CK 0110

Hon'ble Judges : V. Ajay Kumar, J;A.K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : S. Sunil, R.V. Sinha, Amit Sinha

Final Decision : Allowed

Judgement

V. Ajay Kumar, J

The OA No.1261/2011 filed by the applicant along with 2 others seeking a direction to the respondents to fix their pay scale at Rs.210-250 (pre-revised) from the date of their appointment in the MCD and for other reliefs was allowed by this Tribunal, by its order dated 09.05.2012 as under:-

"11. Accordingly, the present OA is allowed and the applicants shall be entitled to the pay scale of `210-250 from the date of their appointment, i.e., 3.1.1985 notionally and fit them in appropriate grade after taking into account the revision of pay scale. However, the applicants shall be entitled for arrears on the basis of revised salary effective from the date of filing of this OA, i.e., 23.3.2011. No costs".

2. Alleging non-implementation of the aforesaid order, the 1st applicant in the OA filed the instant CP.

3. The respondents through their additional affidavit in the CP submitted that they have filed W.P. (C) No.186/2018 against the orders of this Tribunal in the OA and since the W.P. is pending as on today and if they complied with the

orders of this Tribunal, the said W.P., will become infructuous.

4. Heard Shri S. Sunil, learned counsel for the petitioner and Shri R.V. Sinha with Shri Amit Sinha, learned counsel for the respondent and perused the pleadings on record.

5. It is relevant to note the order dated 09.01.2018 passed by the Hon'ble High Court of Delhi in W.P. (C) No.186/2018, which was filed against the orders of the Tribunal and the same reads as under:-

"1. The petitioner/North Delhi Municipal Corporation (Nr.D.M.C.) is aggrieved by the judgment dated 09.05.2012, passed by the Central Administrative Tribunal allowing the O.A. filed by the respondents and holding that the respondents are entitled to the notional pay scale of Rs.210-250/- from date of their appointment, i.e., 03.01.1985. Further, the petitioner/Nr.D.M.C. has been directed to fit the respondents in their appropriate grade after taking into account the revision of pay scale.

2. The explanation offered for the inordinate delay in approaching this Court, against the impugned judgment dated 09.05.2012, is stated at para-X of the writ petition, which is rather sketchy.

3. Learned counsel for the petitioner submits that she may be permitted to file a better affidavit to explain the delay. The affidavit shall furnish the details of the officers concerned against whom Departmental proceedings W.P.(C) 186/2018 Page 1 of 2 have been initiated by the petitioner from their laxity, along with the relevant details of the dates on which action was initiated against them and the status of the Departmental Inquiries in respect of each of the officers.

4. List on 06.07.2018."

6. A perusal of the orders of the Hon'ble High Court of Delhi clearly shows that the respondents filed the W.P. (C) with inordinate delay and the Hon'ble High Court not only granted any stay on the orders of this Tribunal in OA, and on the other hand having found that the reasons stated by the respondents for the delay in filing the W.P. (C) was sketchy, directed the respondents to furnish the details of the officers concerned against whom departmental proceedings have been initiated for their laxity and details of the departmental enquiries in respect of such officers.

7. In the circumstances and in view of the orders of the Hon'ble High Court, we do not find any valid justification in the action of the respondent for not complying with the orders of this Tribunal, and accordingly, we are, prima facie, of the view that the respondent-contemnor is liable for contempt of the orders of this Tribunal.

8. In the circumstances, and as an indulgence, we grant 4 weeks time to the respondent to comply with the orders of this Tribunal, and to produce the orders passed thereto, failing which, the present incumbent of the sole respondent-

contemnor, shall be present in person. However, it is needless to mention that the said compliance and the order to be passed by the respondents, shall be subject to the result of the W.P. (C) No.186/2010.

9. List on 14.11.2018.