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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 213/2016 & C.M.No.41043/2016**

**DINESH PRASAD SHARMA**

..... Petitioner

Through Petitioner in person.

versus

**ANUPAM SRIVASTAVA (CMD BSNL NEW DELHI) & ORS**

..... Respondents

Through Mr.Dinesh Agnani, Sr.Advocate with  
Mrs.Leena Tuteja and Mr.Ishaan  
Chawla, Advocates.  
Mr.Kritiman Singh, CGSC with  
Mr.Waize Ali Noor, Advocate for UOI.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

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**08.11.2016**

Present contempt petition has been filed alleging wilful disobedience of the judgment and order dated 27<sup>th</sup> October, 2014 in W.P.(C) No.7858/2013 as well as the order in Review Petition No.504/2014 dated 10<sup>th</sup> December, 2014. It is pertinent to mention that the W.P.(C) No.7858/2013 had been filed challenging the order passed by Central Administrative Tribunal.

The petitioner who appears in person states that the respondents have not implemented the aforesaid judgment and orders in their true letter and spirit.

However, this Court is of the opinion that the petitioner has an alternative effective remedy by filing a contempt petition under Section 17 of the Administrative Tribunals Act, 1985, as by virtue of doctrine of

merger, the order of Central Administrative Tribunal would merge into the order of the High Court. The relevant portion of the said Act reads as under:-

*“17. Power to punish for contempt.- A Tribunal shall have, and exercise, the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Courts Act, 1971 (70 of 1971) shall have effect subject to the modifications that-*

*(a) The references therein to a High Court shall be construed as including a reference to such Tribunal;”*

After perusing the present contempt petition as well as the application being C.M.No.41043/2016 filed by the petitioner, this Court is also of the opinion that even according to the petitioner serious issues of facts have to be adjudicated and calculations have to be made to determine the outstanding arrears. In fact the annexure filed by the petitioner indicating the total amount due and payable itself runs into more than 15 pages.

Keeping in view the aforesaid, present contempt petition and the application are disposed of with liberty to the petitioner to file the contempt proceedings before Central Administrative Tribunal (CAT). It is, however, clarified that this Court has not expressed any opinion on the merits of the controversy. The rights and contentions of all the parties are left open.

**MANMOHAN, J**

**NOVEMBER 08, 2016**  
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