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

+ **CONT.CAS(C) 1152/2016**

AMIYA KUMAR JENA

..... Petitioner

Through **Mr.O.P.Kalshian, Advocate.**

versus

G MOHAN KUMAR & ORS

..... Respondents

Through **Mr.Kirtiman Singh, CGSC with
Mr.Waize Ali Noor, Advocate.**

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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25.10.2016

Present contempt petition has been filed alleging wilful disobedience of the order dated 22nd August, 2016 passed by a Division Bench of this Court in W.P.(C) No.1050/2015 dismissing the said writ petition and upholding the order of CAT (Principal Bench), New Delhi dated 4th September, 2015 passed in OA No.190/2013 directing the respondents to convene a review of DPC held on 13th March, 2009 to assess the fitness of the petitioner for promotion after considering ACRs of the petitioner from 2004-2005 to 2009-2010 along with the grading given by the DPC held on 17th February, 2011 and make appropriate recommendations within a period of two months.

Learned counsel for the petitioner states that the respondents have neither implemented the aforesaid order nor any communication in this regard has been received by the petitioner.

In the opinion of this Court, the petitioner has an alternative effective remedy of filing a contempt petition under Section 17 of the Administrative Tribunals Act, 1985. The relevant portion of the said Section 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;”

Keeping in view the aforesaid provision, present contempt petition is dismissed with liberty to the petitioner to file the contempt proceedings before the CAT. The rights and contentions of all the parties are left open.

MANMOHAN, J

OCTOBER 25, 2016

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