

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9798 of 2017

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1. The Union Of India through the Secretary, Government of India Department of Youth Affairs and Sports, Shastri Bhawan, New Delhi.
 2. The Director General, Sports Authority of India, Jawahar Lal Nehru, Stadium, Lodhi Road, New Delhi.
 3. The Secretary, Sports Authority of India, Jawahar Lal Nehru Stadium, Lodi Road Complex, New Delhi.
 4. The Director, Sports Authority of India, Netaji Subhash Eastern Centre, Salt Lake City, Kolkata.
 5. The Regional Director (Est.), Sports Authority of India, Netaji Subhash Eastern Centre, Salt Lake City, Kolkata.

.... Petitioners

Versus

Awadhesh Nath Tiwari Son of Sri Kaushal Nath Tiwari Resident of Village- Sukroi, P.O.- Bakuchi, District- Dewaria(U.P), Presently posted as Groundman Sports Authority of India SAG Central, Muzaffarpur.

.... Respondent

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Appearance :

For the Petitioners : Mr. S.D. Sanjay, Addl. S.G.
Mr. Rajesh Kumar Verma, C.G.C.
For the Respondent/s : Mr. Sanjay Kumar Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 18-12-2017

We have heard learned senior counsel representing the Union of India and its authorities, the petitioners in the present case, as well as learned counsel representing the private respondent.

2. The petitioners are aggrieved by an order dated 22.12.2016, passed in C.C.P.A. No. 50/0061/2013, arising out of O.A. No. 813/2005.



3. By the impugned order, the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the “CAT”) has directed the petitioners to be proceeded against as contemnors. The Tribunal has held that the petitioners are deliberately violating the order of the CAT, Patna Bench, Patna passed in O.A. No. 813/2005, and, therefore, the Registrar has been directed to take action for issuance of rule under Form-III against the present petitioners.

4. Sri S.D. Sanjay, learned Additional Solicitor General of India submits that the issuance of rule in the contempt proceeding is not just and proper, because the Union of India has already passed a reasoned order, and whatever be the nature of the order, the direction issued by the CAT, Patna Bench, Patna in O.A. No. 813/2005 has been fully complied with.

5. Learned senior counsel also submits that the legality of the speaking and reasoned order dated 30th September, 2013, as contained in Annexure-10 of the present application, cannot be questioned in a contempt jurisdiction, and, therefore, the action taken by the CAT, Patna Bench, Patna is not sustainable in the eye of law.

6. On the other hand, learned counsel representing the private respondent submits that, in fact, the petitioners



have not complied with the order passed by the CAT, Patna Bench, Patna, in its true terms and spirit. Submission is that the order though is shown to be a reasoned order, but, is, in fact, contrary to the observations and directions passed by the Hon'ble Jharkhand High Court in the earlier round of adjudication. Learned counsel submits that the Tribunal having examined the order, as contained in Annexure-10 to the present application, has rightly initiated action by directing issuance of rule against the petitioners.

7. We have heard learned counsel for the parties and perused the records. By order dated 08.05.2012 passed in O.A.No. 813/2005, the Tribunal in its operative part of the order *inter alia* wrote as under: -

“..... We, therefore, direct that respondents shall take action strictly in terms of observation of Hon'ble High Court in their judgment dated 7/9.05.2003 in LPA No. 622 of 2002 as also in terms of their own letter dated 7/8.04.2004 as contained in Annexure A/11 in a time bound manner within three months and pass a reasoned and speaking order.”

8. We have taken a cursory look at the speaking order dated 30th September, 2013 passed by the petitioners –



authorities. It is a detailed order giving some reasons for rejecting the claim of the private respondent.

9. We do not want to comment upon the merit of the case, and, therefore, we have not taken ourselves to examine the legality and validity of the order. However, having gone through the same, we are satisfied that the speaking and reasoned order dated 30th September, 2013 is a compliance of the order dated 08.05.2012 passed in O.A. No. 813/2005.

10. The private respondent, if aggrieved by the said speaking and reasoned order dated 30th September, 2013, may, if so advised, seek his remedy in accordance with law. The order dated 22.12.2016 passed by the Tribunal in C.C.P.A. No. 50/0061/2013 issuing rule against the petitioners, is not sustainable, and is, accordingly, quashed.

11. This application is allowed to the extent indicated hereinabove.

(Ajay Kumar Tripathi, J.)

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CA V DATE	NA
Uploading Date	19.12.2017
Transmission Date	NA

