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20.12.2012

"The learned counsel for the appellant contend that in a proceeding for contempt under the provisions of the Contempt of Courts Act, the court or the Tribunal is required to examine whether the decision which has already reached finality not being challenged or annulled in an appropriate forum, has been complied with or not. It is not permissible for the Tribunal at that stage to re-examine the matter in the light of some other judgment and reverse its earlier decision."

It was stated by the learned counsel that Tribunal categorically stated that a final decision need to be taken in a judicious manner as because contemnor has not taken any final decision. As such, it can not be construed to be compliance of the Tribunal order and the act of the contemnor tantamounts to wilfull disobedience of the order.

We have heard the rival submission, perused the materials placed before us and precedents relied upon. We have examined all the related papers. It is abundantly clear that the Contemnor No. 2 has taken steps to implement the court order and whatever was within his power he did.

We have noted that in order to reach at a decision, concurrence of Ministry is a sine qua non, de hors such concurrence, the benefit in respect of all 'B' and 'C' Scientific and Technical Cadres of IMD, flexible complementary scheme can not be extended to the petitioner. As such, delay caused in extending the benefit of flexible complementary scheme can not be construed to be wilfull disobedience of the order.

Learned counsel for the respondents assured that he will take all the steps to expedite the matter so that the benefit of the flexible complementary scheme be extended to the petitioner, at the earliest possible.

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