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Central Administrative Tribunal
Principal Bench

C.P. No. 89/2003 In
O.A. No. 2458/2002

New Delhi this the 8th day of April, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri V.K. Majotra, Member (A)

1. Smt. Nara Devi
Widow of Bhola Singh Dhanai,
R/o E-100, Sector-15,
Noida (U.P.)-201301
Distt. Gautam Budh Nagar

2. Shri Shishpal Singh Dhanai,
S/o late Bhola Singh Dhanai,
R/o E-100, Sector 15, Noida,
Distt. Gautam Budh Nagar.

-Petitioners

(By Advocate: Shri K.N. Bahuguna)

Versus

1. Dr. S.M. Sharma,
Director of Personnel (9/10), Research
and Development Organisation,
Ministry of Defence, "B" Wing,
Sena Bhawan, New Delhi.

2. Shri Narendra Singh,
Director
Institute of Technology Management,
Govt. of India,
Ministry of Defence,
Research and Development Organisation,
Landour Cantt,
Mussoorie
Distt. Dehra Dun,
Uttaranchal.

-Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

We have heard Shri K.N.Bahuguna, learned
counsel for petitioners and Shri V.S.R. Krishna,
learned counsel for respondents and perused the
relevant documents on record.

2. The respondents in their reply affidavit
filed on 4.4.2003 have submitted, inter-alia, that when
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the Tribunal issued notice on contempt on 26.2.2003, on the submissions made by the learned counsel for petitioners, they had already issued the registered letter dated 3.2.2003 addressed to petitioner No.1. Shri K.N. Bahuguna, learned counsel submits that he had not been informed by the petitioner about the registered letter and he vehemently repeated that respondents have not complied with Tribunal's order dated 20.9.2002 in OA-2458/2002. They have also annexed letter dated 22.1.2003 enclosing a copy of the letter dated 19.12.2002 as Annexures to the reply affidavit.

3. From the copy of Annexure CP-1 letter issued by the respondents dated 3.2.2003, we find that the same has been addressed to petitioner No.1 and the word "registered" also appears in the copy showing that the same has been sent by the Registered post in the normal course of business of the respondents. In the circumstances of the case, we reject the contention of the learned counsel for petitioners that the petitioner No.1 has not received a copy of this letter and at least she has not informed him at the time when submissions were made before the court to the effect that the respondents had not complied with the directions of the Tribunal nor they have sought any extension of time to do so.

4. Based on these submissions of Shri K.N. Bahuguna, learned counsel, notices were issued on alleged contemners respondents 1 and 2 in CP-89/2003.

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We have no reason to believe that the letter dated 3.2.2003 has not been received by the petitioner and she ought to have duly informed/briefed her counsel so that correct and proper submissions ^{could be} _{be} have been made to the court. These facts clearly show that there is an attempt on the part of the petitioner to misuse the process of law and the present proceedings.

5. In this view of the matter, CP-89/2003 is rejected. Notices to the alleged contemners are discharged. File to be consigned to the record room. We may also add in passing that we are satisfied that the respondents have fully complied with the directions of the Tribunal.

V.K. Majotra

(V.K. Majotra)
Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

cc.