

Central Administrative Tribunal
Principal Bench

C.P. No. 104/2003 In
O.A. No. 3041/2002



New Delhi this the 10th day of March, 2003

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

Hon'ble Shri V.K. Majotra, Member (A)

Shri R.K. Gaur
Son of Shri K.L. Sharma,
Resident of 398A Race Course Colony,
Buland Shahr.

-Petitioner

(By Advocate: Shri Sant Lal)

Versus

1. Ms. P.B. Subramanian
Ministry of Communications,
Dept. of Posts,
Dak Bhawan, New Delhi-110001.
2. Shri I.M.G. Khan, Chief-Postmaster General,
U.P. Circle, Lucknow-226001.

-Respondents

ORDER (Oral)

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

We have heard Shri Sant Lal, learned counsel for the petitioner in CP-104/2003. We have considered his submissions in the Contempt Petition together with the order passed by the respondents dated 15.1.2003 (Annexure P-2).

2. In terms of the aforesaid directions of the Tribunal dated 22.11.2002, we are unable to agree with the contentions of Shri Sant Lal, learned counsel that the respondents have committed wilful and contumacious disobedience of the Tribunal's order to justify action being taken against the alleged contemner. We also note ~~that~~ what the respondents have stated in paragraph-5 that they have referred the matter to the Ministry of Finance and we have no reason to accept Shri Sant Lal,

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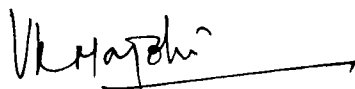
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learned counsel's contentions that they would ignore the observations of the Tribunal in the relevant judicial pronouncements including the observations of the Tribunal in OA-2683/2001 disposed of by order dated 5.3.2002. In this order, he has particularly referred to a direction of the Tribunal to have a copy of the order sent to Secretary, Department of Posts to avoid infructuous litigation, which observations are in public interest. Shri Sant Lal, learned counsel has contended that although the respondents have stated in their order dated 15.1.2003 that a reference has been made to the Ministry of Finance for appropriate decision, more than sufficient time has elapsed as that reference seems to have been done about a year back.

In the context of the matter and having regard to the averments made by the respondents in paragraph-5 of their order dated 15.1.2003, they have to take a final decision in the matter regarding the petitioner, in the light of the provisions of law, including ^{the R/L} judicial pronouncements expeditiously.

In this view of the matter, we find no good grounds to issue notice in Contempt Petition. Contempt Petition-104/2003 is accordingly dismissed.


(V.K. Majotra)
Member (A)


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

cc.