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Central Administrative Tribunal
Principal Bench

C.P. No.217/2003 In
O.A. No.3276/2002

New Delhi this the 19th day of September, 2003

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

1. Shri Jagdish Chander
S/o Shri Mangal Ram

2. Ms. Sushma
D/o Shri Krishan Lal

Both working under:-
Chief Administrative Officer, (Construction),
Northern Railway, Kashmere Gate, Delhi-110006.

-Petitioners

(By Advocate: Shri K.K. Patel)

Versus

1. Shri R.K. Singh,
General Manager,
Northern Railway, Baroda House,
New Delhi-110001.

2. Shri B.T. Kaul,
Chief Administrative Officer (Construction)
Northern Railway, Kashmere Gate,
Delhi-110006.

3. Shri L.C. Majumdar,
Divisional Railway Manager,
Northern Railway, Bikaner.

-Respondents

(By Advocate: Shri R.L. Dhawan)

ORDER (Oral)

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

Heard both the learned counsel for the parties. We have also perused the relevant documents on record

2. The Tribunal by order dated 18.12.2002 had directed as follows:-

"Once it is so, it is directed that applicants may submit a comprehensive representation within two months from today

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and on receipt of the same, the respondent No.3 (Divisional Railway Manager, Northern Railway, Bikaner) will consider and pass an appropriate order preferably within four months from the date of receipt of a certified copy of the present order. It should be a speaking order and conveyed to the applicant".

3. From the documents on record, we note that the two applicants in OA have submitted a representation to the respondents dated 24.2.2003, which has been considered and disposed of by a speaking order by the respondents in their letter dated 10.7.2003. Shri K.K. Patel, learned counsel states that he has on behalf of the applicants submitted a detailed representation to the respondents on 16.2.2003 in pursuance of the aforesaid order of the Tribunal dated 18.12.2002. According to him, that is the representation which the respondents ought to have disposed of, which they have not even considered.

4. In view of the facts mentioned above, we note that the applicants themselves have submitted a representation on 24.2.2003 in pursuance of aforesaid order of the Tribunal in OA-3276/2002. This has indeed been dealt with by the respondents, on which they have passed a detailed order on 10.7.2003. So we find no justification to continue with this contempt petition. The Tribunal had in its order stated, inter alia, that the applicants may make a comprehensive representation within two months which shall be considered by the respondents by passing an appropriate order, preferably within four months. In the circumstances of the case, we are also unable to agree with the contentions of

learned counsel for applicants that the applicants had submitted the representation on 24.2.2003 only by way of a reminder to his representation of 16.2.2003. The orders of the Tribunal itself had granted the respondents four months from the date of receipt of the applicants' representation to deal with the matter and pass appropriate orders. Therefore, this contention of the learned counsel for petitioners is also rejected.

In the result for the reasons given above, CP-217/2003 is dismissed. Notices to the alleged contemners are discharged.

V.K. Majotra

(V.K. Majotra)
Member (A)

Lakshmi Swaminathan

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

cc.