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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

C.P.NO.168/2003 IN O.A.NO.1705/2002

Friday, this the 18th day of July, 2003

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Mr. Govindan S. Tampi, Member (A)

A.S.Gulati  
retired Superintending Engineer  
Deptt. of Telecommunications  
r/o 219, Pragati Apartments  
Punjabi Bagh Club Road  
New Delhi

..Applicant

(By Advocate: Shri S.N.Anand)

Versus

1. Shri Vinod Vaish  
Secretary  
Deptt. of Telecommunications  
Sanchar Bhawan, 20, Ashoka Road  
New Delhi-1
2. Shri C.M.Trehan  
Sr. Deputy Director General (BW)  
Deptt. of Telecommunications  
10th Floor, Chanderlok Building  
Janpath, New Delhi

..Respondents

(By Advocate: Shri R.N.Singh, learned proxy counsel for  
Shri R.V.Sinha, learned counsel)

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J):-

We have heard both the learned counsel for the parties. Shri S.N. Anand, learned counsel has submitted that the respondents by passing the order on petitioner's representation, i.e., order dated 17.6.2003 have not complied with the directions of the Tribunal in letter and spirit, contained in the order dated 5.7.2002 in OA-1705/2003. This is, however, disputed by Shri R.N.Singh, learned proxy counsel for respondents. He has submitted <sup>12</sup>~~the~~ unconditional apologies of the respondents for delay in passing the aforesaid order which, he states, was not intentional but due to certain administrative exigencies. He has also submitted that the aforesaid

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order of the Tribunal had been passed without issuing notice to the respondents. Further, the issue in question is sub judice before the Hon'ble Supreme Court in the case of D.K.Vijh v. Union of India & others, which has been referred to in the order dated 17.6.2003. On the other hand, Shri S.N.Anand, learned counsel submits that the respondents have not cared to see the observations of the Tribunal contained in paragraph 2 of the order dated 5.7.2002.

2. We have carefully considered the submissions of the learned counsel for parties and the relevant documents on record, including the order of the Tribunal dated 5.7.2002 and the order passed by the respondents on the representation made by the petitioner dated 17.6.2003. We find merit in the submissions made by Shri R.N.Singh, learned proxy counsel that the aforesaid order of the Tribunal is an ex-parte order<sup>18/</sup> and a perusal of the order issued by the respondents dated 17.6.2003 shows that the representation made by the petitioner has been considered by them in terms of the orders of the Hon'ble Supreme Court referred to therein. We are, therefore, unable to agree with the submissions of Shri S.N.Anand, learned counsel that there is any contumacious or wilful disobedience of Tribunal's order justifying continuation of the contempt proceedings initiated against the respondents. In this view of the matter, CP-168/2003 is dismissed. The apology tendered by the respondents with regard to the delay in passing the order is also accepted, in the circumstances of the case.

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3. For the reasons given above, the Contempt Petition is dismissed. Notice to the alleged contemnor is discharged. File to be sent to the record room.

(Govindan S. Tampi)  
Member (A)

/Sunil/

*Lakshmi Swaminathan*  
(Mrs. Lakshmi Swaminathan)  
Vice Chairman (J)