

(12)

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

CP No.23 of 2004
IN
OA No.1435 of 2002

New Delhi this the 06th day of May, 2010

HON'BLE DR. RAMESH CHANDRA PANDA, MEMBER (A)
HON'BLE DR. DHARAM PAUL SHARMA, MEMBER (J)

1. Shri R.K. Sharma,
ACP, DE Cell,
Asaf Ali Road, Police Bhawan,
New Delhi.
2. Shri B.R. Paul,
ACP, PG Cell,
Hauz Khas, New Delhi.

.... Applicants

(None present)

VERSUS

1. Shri N. Gopalaswamy,
Secretary,
Ministry of Home Affairs,
Govt. of India,
North Block,
New Delhi.
2. Sh. P.K. Jalali,
Joint Secretary,
Ministry of Home Affairs,
(U.T. Division)
Govt. of India,
North Block, New Delhi.
3. Shri N.J. Thomas,
Under Secretary, (U.T. Division)
Ministry of Home Affairs,
Govt. of India,
North Block, New Delhi.

..... Respondents

(By Advocate Shri R.N. Singh with shri K.M. Singh)

O R D E R (ORAL)

Dr. RAMESH CHANDRA PANDA, MEMBER (A) :

The applicants moved the CP No.23/2004 in OA 1435/2002.

Against the order of the Tribunal, A Writ Petition was filed before the

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Hon'ble High Court and the same was listed as per the orders of this Tribunal dated 3.8.2004 in November 2004. For the last six years, neither the applicants nor their counsel applied to revive the CP. The contempt proceedings if willful can be taken up but if it is not willful, the same cannot be termed as deliberate violation of the Tribunal's order. In the present case, the respondents have already moved the Hon'ble High Court in Writ Petition and, therefore, there is no willful non-compliance of the directions of the Tribunal's order.

2. In the above circumstances, we find that there is no specific contempt or willful disobedience on the part of the respondents and, therefore, we direct closure of this CP with liberty to the applicants to agitate in appropriate proceedings at an appropriate time, if they so advised.

(Dr. DHARAM PAUL SHARMA)
Member (J)

(Dr. RAMESH CHANDRA PANDA)
Member (A)

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