

19

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 175/2002 in

MA 314/2003

OA 832/2002

New Delhi this the 11th day of February, 2003

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

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

Shri B.C. Katiyar,
S/O Shri R.S. Katiyar,
R/O 273, Sector-1,
Sadiq Nagar, New Delhi-49

..Applicant

(By Advocate Shri Arun Bhardwaj)

VERSUS

1. Sukhbir Singh
S/O Late Shri Durjan Singh
R/O 3/102, Lalita Park,
Laxmi Nagar, Delhi-1992

2. The Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.

3. The Director General (Works),
Central Public Works Department,
Nirman Bhawan, New Delhi.

..Respondents

(By Advocate Shri K.B.S. Rajan,
for Respondent No.1)

(By Advocate Shri K.R. Sachdeva,
for respondents 2 and 3)

O R D E R (ORAL)

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

Dr. V.K. Verma, Director (Horticulture), CPWD is also present, in pursuance of our previous order dated 24.1.2003.

2. All the parties have been heard on CP 175/2002 in OA 832/2002 after the case was last heard on 24.1.2003. The petitioner in CP has filed MA 314/2002. In this MA, he has prayed to withdraw the CP in view of the changed circumstances. In particular, he has referred to the transfer order dated 3.2.2003 by which the respondent- Shri

Y2 ✓

Sukhbir Singh has been transferred from Horticulture Division No.1 to Horticulture Division No.IV.against an existing vacancy. In the circumstances, Shri Arun Bhardwaj,learned counsel submits that he does not press CP 175/2002 as the main grievance of the petitioner that he has not been allowed to carry out his duties and responsibilities as Deputy Director, Horticulture mainly due to certain alleged action on the part of the respondent-Sukhbir Singh is no longer there. Shri K.B.S.Rajan,learned counsel on the other hand, has submitted that respondent was not in any way responsible for the allegations made by the petitioner.


3. Departmental representative, Dr.V.K.Verma, Director, Horticulture has drawn our attention to some correspondence he had with the Director General(DG) (Works), Delhi in the matter of these two persons i.e. the petitioner and the respondent in CP 175/2002. It is quite evident from the said correspondence that the senior officers were well aware of some unpleasant and unsatisfactory state of affairs existing in the Department for quite some time. However, it appears that the D.G (Works),CPWD and other senior officers of the Department had not solved the matter, which leaves much to be desired. No corrective steps have apparently been taken by the senior officers to ensure smooth running of the Department and to ensure that the concerned officers are discharging their duties in a responsible and proper manner as they were expected to function. Action has taken by them only after filing of CP by the petitioner.


18

4. In the above circumstances, we, however, note that some corrective steps have been taken by the official respondents after this CP has been filed and that too after several months after the order of the Tribunal dated 27.8.2002 in OA 832/2002 was passed. Why the order dated 3.2.2003 could not have been issued well in time is a matter for the official respondents to look into and take remedial steps so that such an impasse does not occur in future. This is to ensure not only that the orders passed by a judicial forum like the Tribunal is complied with but also for the smooth functioning of the Department, which needless to say is in public interest. However, noting the latest Office Order dated 3.2.2003, which the petitioner in CP has annexed, we see no reason why permission to withdraw CP should not be allowed.

5. In the above facts and circumstances of the case, CP 175/2002 in OA 832/2002 is dismissed. Notices issued to the alleged contemnors are discharged. However, we do certainly hope that the official respondents will be more vigilant in implementing the Tribunal's orders in proper form and spirit to avoid such a situation as had developed in the present case, till they passed the belated order dated 3.2.2003.

6. In view of the above, let a copy of this order be issued to the Secretary, Ministry of Urban Development, Nirman Bhawan, New Delhi and the Director General (Works), CPWD, Nirman Bhawan, New Delhi for their information and necessary action.


(V.K. Majotra)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)