

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 152/2002 in
OA 3173/2001

New Delhi this the 8th day of August, 2002

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

Shri Alok Mittal,
Assistant Engineer (Civil-IV),
MTNL, Karkar Dooma, T.E. Building,
EE(C), Trans Yamuna, Delhi.

..Petitioner

(By Advocate Shri E.X. Joseph)

VERSUS

1. Shri Vinod Vaish,
Chairman-cum-Secretary,
Ministry of Communications,
Sanchar Bhawan, Ashoka Road,
New Delhi.

2. Member (Production),
Telecom Commission,
Ministry of Communications,
Deptt. of Telecommunications,
(Vigilance II Section)
West Block I, Wing II,
Ground Floor, R.K. Puram,
New Delhi

3. The Superintending Engg. (Civil),
Telecom Civil Circle,
A-2/E 2, Kasturba Gandhi Marg,
New Delhi-1

..Respondents

(By Advocate Shri B.K. Berera)

O R D E R (ORAL)

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

OA 3173/2001 was disposed of vide order dated
23.11.2001 with the following directions:-

"In our view, interest of justice will be
duly met if the respondents are directed to
decide applicant's appeal dated 3.5.2001 within
a period of two months from the date of
communication of this order by passing a
reasoned and speaking order. We order so
accordingly. The other issues raised in this OA
will remain open to the applicant.

The OA is disposed of in the above terms. No
costs".

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2. Learned counsel of the petitioner pointed out that the respondents have not even referred the matter to UPSC within the stipulated time fixed by the Tribunal for disposal of the applicant's appeal. Respondents MA 643/2002 seeking extension of time for implementation of directions of this Court was rejected vide order dated 6.6.2002.

3. Learned counsel of the respondents stated that the respondents have referred the matter to UPSC on 21.2.2002 and to which the UPSC has given response vide their communication dated 1.7.2002. Thereafter the appellate authority passed the order dated 22.7.2002. By this order, the appellate authority observed that there was a procedural irregularity on the part of the disciplinary authority to the extent that the punishment order dated 9.3.2000 issued was a non speaking order and as such the case has been remitted to the disciplinary authority, namely, Member (P) with the direction to issue a fresh speaking and well reasoned order in conformity with the rules and instructions on the subject. The respondents have submitted un-qualified apology for the delay caused in implementation of the Tribunal's order.


4. Although, we find that the respondents have caused some delay in referring the matter to UPSC which was not made a party in the OA. In the facts and circumstances of the case, we do not find any wilful or contumacious disobedience of the order of the Court. Learned counsel of the respondents stated that disciplinary authority would now be passing orders in terms of the appellate authority's order within a week's time .

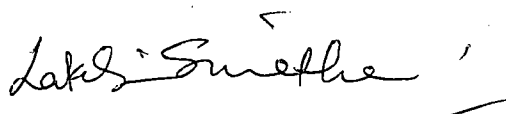
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5. Learned counsel of the petitioner stated that ^{by} the delay in implementation of the order of this Court at the ^hhands of the respondents, the applicant has been harrassed in the process for which he should be compensated by way of exemplary costs. In view of the above facts and circumstances of the case, request made on behalf of the petitioner is rejected.

6. Having regard to the above discussion, CP 152/2002 is dismissed. Notices issued to the respondents are discharged.


(V.K.Majotra)
Member (A)


(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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