

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 199/2002  
in  
OA 2320/2001

New Delhi, this the 3rd day of December, 2002

Hon'ble Sh. Govindan S. Tampi, Member (A)  
Hon'ble Sh. Shanker Raju, Member (J)

Sh. Sukhbir Singh  
S/o Sh. Rameshwar  
Safaiwala  
under Chief Health Inspector  
Northern Railway, Delhi  
Sarai Rohilla.

...Applicant

(By Advocate Sh. B.S. Mainee)

V e r s u s

1. Sh. R.K. Singh  
General Manager  
Northern Railway  
Baroda House, New Delhi.
2. Sh. Ram Kumar  
Dy. Chief Mechanical Engineer  
Carriage and Wagon Workshop  
Alambagh, Northern Railway  
Lucknow.
3. Sh. A.K. Mishra  
Divisional Railway Manager  
Northern Railway, State Entry Road  
New Delhi.
4. D.R.M., Bikaner.

...Respondents.

(By Advocate Sh. R.L. Dhawan with  
Deputt. rep. Sh. S.S. Mandvi, DPO,  
DRM Office, Bikaner and Sh. S.P. Sharma, Chief  
Health Inspector, Delhi Sarai Rohilla).

O R D E R (ORAL)

By Sh. Shanker Raju,

Heard.

2. By an order dt. 5-9-2001, directions have been issued, at the admission stage, to pass suitable orders on the representation of applicant. Applicant being aggrieved by non-compliance of the order of the Tribunal by the respondents, filed this CP.

3. In response, the respondents stated that

by an order dt. 2-1-2002, the request of the applicant has been turned down and this was sent to CHI/DEE and entry to effect has been made in their despatch register dt. 4-1-2002. It is further stated that this communication has been served on the applicant on 10-6-2002.

4. In this view of the matter, it is contended that respondents have not committed any wilful or contumacious disobedience of the directions of the Court.

5. On the other hand Sh. B.S. Mainee, Id. counsel contended that the communication dt. 2-1-2002 from CHI/DEE has not been served on him and on filing this CP, as an after thought, the respondents have passed this order.

6. We have carefully considered the matter. In view of the averments of the respondents with regard to the communication of CHI/DEE by recording an entry in their despatch register regarding communication dt. 2-1-2002, we are satisfied that the respondents have not committed any wilful or contumacious disobedience of the Tribunal's order and we also take note of the fact that this communication has not been received by CHI/DEE and was ultimately communicated to the applicant on 10-6-2002.

7. In the result, CP is dismissed. Notices are discharged. However, the applicant shall be at liberty to assail the impugned order in accordance with law.

S. Raju  
(Shanker Raju)  
Member (J)

(Govindan S. Tammi)-  
Member (A)

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