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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 416/2002
CP 258/2002
OA 2954/2001

New Delhi this the 26th day of September, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri B.N. Som, Vice Chairman (A)

Shri Dayanand Tyagi,
S/O Late Shri Balwant Singh
Tyagi, R/O Q.No. 31,
Sector No. 19, R.K.Puram,
New Delhi.

.. Petitioner

(By Advocate Shri Amit Anand)

VERSUS

1. Shri R.S. Gupta,
Commissioner of Police,
PHQ, I.P.Estate,
New Delhi.
2. Shri Sewa Das,
Joint Commissioner of Police,
(Administration), PHQ
Delhi, I.P.Estate, New Delhi.
3. Shri Ujjwal Mishra,
Deputy Commissioner of Police,
Special Branch, PHQ,
New Delhi.

.. Respondents

O R D E R (ORAL)

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

We have heard Shri Amit Anand, learned counsel
for the petitioner in CP 416/2002.

2. This C.P. has been filed consequent upon the
order of the Tribunal in an earlier CP filed by the
petitioner - CP 258/2002 in OA 2954/2001, which was
disposed of by order dated 8.7.2002. Consequent upon

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the order in CP 258/2002, the respondents have issued an order which the learned counsel submits is not a speaking order with which we do not agree. His contention is that the order passed by the respondents dated 6.8.2002 has failed to consider their own earlier order passed in another CP, namely the order dated 27.11.2001 which has been referred to in Para 4 of Tribunal's order dated 8.7.2002. We are unable to agree with the contentions of the learned counsel that the respondents, while passing the aforesaid order dated 6.8.2002 have not referred to their own earlier order dated 27.11.2001. However, it may be possible that as submitted by the learned counsel, the applicant is aggrieved by the present order. It is seen from a perusal of the order passed by the respondents dated 6.8.2002 that they have considered the case of the petitioner in terms of the earlier order passed by them dated 27.11.2001 and the relevant judgements. In this view of the matter, we are unable to agree with the contentions of the learned counsel that there is any contumacious or wilful disobedience of the Tribunal's order warranting any further action to be taken in the C.P. Accordingly C.P. is dismissed.

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However, in the circumstances of the case, liberty is granted to the applicant to pursue his remedies, as advised, in accordance with law.

3. CP 416/2002 is accordingly disposed of in the above terms.

B.N. Srinivas
(B.N. Srinivas)
Vice Chairman (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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