

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

CP 424/2002
in
OA 2473/2001

New Delhi, this the 17th day of December, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Sh. S.K.Malhotra, Member (A)

Sh. Amrit Lal
S/o Sh. Dujal Lal
working as Mali-cum-Frash in Patel Nagar
Post Office, New Delhi, C/o Sh. Sant Lal,
Advocate, C-21 (B), New Multan Nagar, Delhi - 56.
...Applicant
(By Advocate Sh. Sant Lal)

V E R S U S

1. Sh. S.C.Dutta, Secretary
Ministry of Communications
Deptt. of Posts, Dak Bhawan,
New Delhi - 110 001.
2. Sh. B.D.L. Srivastava
Sr. Supdt. of Post Office
New Delhi Central Dn.Meghdoot Bhawan
New Delhi - 1.
...Respondents
(By Advocate Sh. R.P.Aggarwal)

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, VC (J)

We have heard Sh. Sant Lal, ld. counsel for the petitioner and Sh. R.P.Aggarwal, ld. counsel for the respondents in CP 424/2002.

2. Ld. counsel for the respondents relies on the order of the Hon'ble High Court dt. 24-4-2002 in which stay has been granted against the Tribunal's order in OA 2473/2001. Sh. Sant Lal, ld. counsel has submitted that in that case, it would have been courteous on the part of the respondents to have informed the petitioner about the position i.e. the High Court order, which has not been done, in which case, the petitioner would not have been driven to file an infructuous Contempt Petition on 23-9-2002 for non-implementation of the Tribunal's order dt. 31-1-2002. He further submits that no notice has been

Y.S.

-2/-

received by the petitioner from the Hon'ble High Court. In the Contempt Petition, while the petitioner has referred to the fact that even after seven months of the Tribunal's order dt. 31-1-2002, the respondents have not complied, in any case not speedily, with the Tribunal's aforesaid order, however, it is noted that there is not even an averment in the CP that he had in the meantime approached the respondents for implementation of Tribunal's order in any manner. Of course, that does not necessarily mean that the respondents ought not to have complied with the Tribunal's directions even without the petitioner urging them to do so. However, in this particular case, we note that the Hon'ble High Court had stayed the operation of the Tribunal's order by their order dt. 24-4-2002. No doubt, something has to be said in favour of the petitioner that it would have been proper on the part of the respondents to have informed him the position, particularly noting the submissions made by Sh. Sant Lal, ld. counsel that the petitioner has not received any notice from the Hon'ble High Court but that would not be sufficient, in our view, to take further proceedings against the respondents in the CP. These observations may, however, be kept in view in future so as to avoid such unnecessary litigation, in public interest.

3. In view of the aforesaid order of the Hon'ble High Court dt. 24-4-2002, CP 424/2002 is dismissed. Notices to the alleged contemnors are discharged.

[Signature]
(S. K. MALHOTRA)
MEMBER (A)

[Signature]
(SMT. LAKSHMI SWAMINATHAN)
VICE-CHAIRMAN (J)

[Handwritten]