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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 608/2001 in  
OA 816/2001

New Delhi this the 20th day of February, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri Govindan S. Tampi, Member (A)

Mohd. Yaqub  
S/O Shri Abdur Rehman,  
R/O H.No. RZ-93/21,  
Gali No. 8, Madanpuri  
West Sagarpur, New Delhi.

..Petitioner

(By Advocate Sh. Shakeel Ahmed )

VERSUS

1. Shri Surender Singh Dhaka  
Commandant, Central Ordinance  
Depot ( C.O.D ), Delhi Cantt.
2. Shri Vijay Lal  
Director General of Ordinance,  
Services, D.H.R., P.O.  
New Delhi-11

..Respondents

(By Advocate Shri N.K. Aggarwal,  
learned senior counsel )

O R D E R (ORAL)

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

We have heard both the learned counsel for the parties in CP 608/2001.

2. Shri N.K. Aggarwal, learned senior counsel for the respondents has drawn our attention to Annexure R-1 of the reply filed by the respondents which is a letter dated 8.5.2000. He has also submitted that in the bottom of this letter, there is a note which reads as "informed the individuals with a signature dated 15.5.2000".

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3. Shri Shakeel Ahmed, learned counsel for the petitioner has submitted that at the time of filing of the OA (OA 816/2001), which was disposed of by Tribunal's order dated 9.4.2001, this particular applicant had not been informed of the aforesaid order passed by the respondents dated 8.5.2000. Subsequently, admittedly he has been informed.

4. It is also relevant to note that the aforesaid order of the Tribunal dated 9.4.2001 has been passed without notice to the respondents, in which a direction had been given to them to pass appropriate orders on the representations of the applicant expeditiously and within a period of three months from the date of the service of this order. The factual position, therefore, appears to be that even if it is admitted that the applicant had not been informed of the order passed by the respondents dated 8.5.2000 and was only informed, as submitted by the learned counsel for the petitioner <sup>Yr</sup> on 28.9.2001, we are unable to agree with the contention of the petitioner that there has been wilful <sup>Yr</sup> or contumacious disobedience of the Tribunal's order by the respondents. As pointed out by Shri N.K. Aggarwal, learned senior counsel, the respondents had, according to them, informed the individuals by the noting dated 15.5.2000.

<sup>Yr</sup>

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5. We note from the above facts and circumstances that the respondents have complied with the Tribunal's order though belatedly, taking into account their letter dated 28.11.2001 which has admittedly been received by the petitioner.

6. In the above facts and circumstances of the case, we do not consider any justification to continue with CP 608/2001. The same is accordingly dismissed. Notices issued to the alleged contemnors/respondents are discharged. File be consigned to the record room.

( Govindan S Tampi )  
Member (A)

(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)