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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 646/2001 in
OA 1604/2001

New Delhi this the 11th day of February, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri M.P. Singh, Member (A)

Ram Kartar Ex Peon,
Sales Tax Department,
Village Pandwala Khurd,
P.O. Pandwala Kalan, Delhi-110043.

(By Advocate Shri S.C. Saxena)

..Petitioner

VERSUS

1. Shri S.K. Srivastava,
Secretary (Services),
(Services II Department)
Govt. of NCT Delhi Prayer
Building, Near ITO, New Delhi.

2. Shri Rahul Khullar
Commissioner,
Sales Tax Department,
Bikri Kar Bhawan,
Govt. of NCT Delhi, ITO,
New Delhi.

..Respondents

(By Advocate Shri Devesh Singh
learned counsel through proxy
counsel Shri Amit Rathi)

O R D E R (ORAL)

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

We have heard Shri S.C. Saxena, learned counsel for the petitioner and Shri Amit Rathi, learned proxy counsel for the respondents in CP 646/2001.

2. In pursuance of the Tribunal's order dated 4.7.2001 in OA 1604/2001, we note that the respondents have issued the order dated 3.12.2001. There is no doubt that there has been some delay in the order being issued by the respondents, as also submitted by the learned counsel for the petitioner but in the circumstances of the case, the unconditional apology

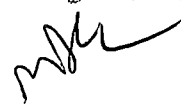
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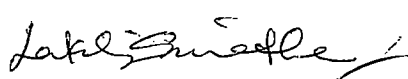
tendered by the respondents is accepted.

3. The main contention of the learned counsel for the petitioner is that the complete service particulars of the applicant have been sent by the concerned Department belatedly for which he is not to be blamed. Admittedly, the petitioner retired from service as Peon on 30.6.1999, without his case being properly considered for promotion.

4. In the above facts and circumstances of the case, we are unable to agree with the contention of the learned counsel for the petitioner that there is any wilful or contumacious disobedience of the Tribunal's order dated 4.7.2001 by which there was a direction to the respondents to pass a speaking order on the representation made by the petitioner, which has been done by the aforesaid order dated 3.12.2001. Having regard to the judgement of the Hon'ble Supreme Court in J.S.Parihar Vs.Ganpat Duggar and Ors.(JT 1996 (9)SC 611), we do not consider it, therefore, necessary to continue with the CP. Liberty is however, granted in the circumstances of the case to the petitioner, if any grievance survives, to proceed further in the matter in accordance with law.

5. CP 646/2001 is accordingly dismissed. Notices issued to the alleged contemnors/respondents are discharged. File be consigned to the record room.


(M.P. Singh)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)