

Item No.1 (Supplimentary list)

C.P. No.05/2002 IN

O.A. No. ~~249~~ 2001

M.A. No.1252/2002

18

5.6.2002

Present : Ms. Meenu Mainee, learned counsel for Shri B.S. Mainee, learned counsel for the applicant

Shri V.S.R. Krishna, learned counsel for the respondent, i.e., Shri R.K. Singh, General Manager, Northern Railway, Baroda House, New Delhi.

Reply affidavit has been filed by the respondent in response to suo moto notice issued by the Tribunal vide order dated 17.5.2002. The respondent has very respectfully submitted that he has taken over the charge of the post of General Manager, Northern Railway on 2.4.2002. Thereafter, immediately on receipt of the above contempt notice, the respondent had called for the records of the case and also reviewed the process as regards implementation of the orders of the Tribunal. He has also submitted that he has issued further instructions for close monitoring and implementation of Courts' orders. He has also tendered unconditional apology for the lapses in not implementing <sup>the</sup> earlier order of the Tribunal dated 23.10.2001 in OA No.260/2001. These averments have been made by the alleged contemnor in his affidavit dated 3.6.2002. Earlier they have also filed affidavit on 29.5.2002. In this affidavit, they have stated, inter alia, that in pursuance of the directions of the Tribunal dated 23.10.2001, after receipt of the representation submitted by the applicant on 14.2.2002, they have passed a speaking order dated 23.5.2002 after duly considering the issues raised by the applicant in the said representation. (copy placed at

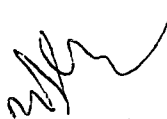
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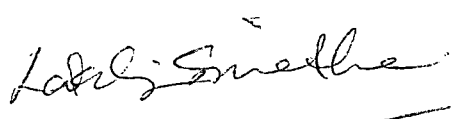
page 17 (Annexure RC-III). In this affidavit, they have also prayed that they have not willfully disobeyed the directions of the Tribunal and have tendered their unconditional apology.

2. We have heard Ms. Meenu Mainee, learned proxy counsel for the applicant, who seeks some time to file amended OA in view of the order passed by the respondents on 23.5.2002.

We ~~have~~ <sup>take</sup> into consideration the facts and circumstances of the case, submissions made by Shri V.S.R. Krishna, learned counsel and the unconditional apologies tendered by the respondent, including the fact that further necessary action has also been taken by the General Manager, Northern Railway, New Delhi to ensure that timely action is taken by the concerned officers in compliance with the directions of the Courts/Tribunal. Accordingly, the prayer to drop suo moto contempt notice is accepted and the ~~apologies~~ are also accepted. Therefore, CP Civil No.5/2002 is dismissed. Notice issued to the alleged contemnor, i.e., General Manager, Northern Railway, Baroda House, New Delhi is also dropped. File to be consigned to the record room.

4. The learned counsel for the applicant in OA 1242/2002 seeks and is allowed two weeks to file MA for amendment of the OA.

  
(M.P. Singh)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)