

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

CP 375/99
in
OA 2327/99

New Delhi this the 24 th day of January, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Smt. Shanta Shastray, Member (A)

1.Om Prakash
2.Hoti Lal
3.Ajay Kumar
4.Ram Chander
5.Arun Kumar
(All R/O 30/27, Tirlok Puri,
New Delhi.)

..petitioners

(By Advocate Sh.Arun Bhardwaj
through proxy counsel Shri
Bhaskar Bhardwaj)

versus

1.Sh. A.M.Dimbalkar,
Director General,
Employees State Insurance Corporation,
Kotla Road, New Delhi-2
2.Smt.Sharda Sharma,
Director,
Employees State Insurance Corporation
Hospital, Sector 24, Head Quarter,
NOIDA (UP)

..Respondents

(By Advocate Shri G.R. Nayyar)

O R D E R

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicants have filed this CP 375/99 alleging that

the respondents should be punished for deliberately violating
the orders of the Tribunal dated 16.11.99 in OA 2327/99.

2. The applicants have submitted that the aforesaid order
has been passed by the Tribunal on the statement made by the
respondents. According to them, the respondents ought to have
given them work immediately after giving such ^{an} ¹³ undertaking as
Sweepers. They have stated in the CP that on 18.11.99, 19.11.99
and 20.11.99 when they went to the office and contacted Mrs Kalra

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requesting her to give them work, she had stated that this will not be done unless she is given illegal consideration. They have stated that they were given the certified copy of the Tribunal's order on 25.11.99 but the same has been ignored by the respondents deliberately and intentionally. They have stated in paragraph 7 of the CP that the respondents have engaged S/Shri Guddu, Suresh and Sunil and they have stated that the respondents told that they do not care for the orders of the Tribunal on which they were very shocked.

3. Shri G.R.Nayyar, learned counsel for the respondents has submitted that the allegations made by the applicants in CP relate to the happenings on 25.11.99 and 26.11.99 whereas the affidavit supporting the petition bears verification of 23.11.99. He has, therefore, submitted that obviously either the contents of the petition or the affidavit are wrong/false for which the petitioners themselves are liable for contempt. He has also submitted ~~in~~ the reply of the respondents, which has been taken ^{in which} _{their} on record, they have given/parawise reply to CP.

4. We have carefully considered the submissions made by the learned counsel for the parties and the pleadings. Shri Bhaskar Bhardwaj, learned proxy counsel for the petitioners had prayed for an adjournment to verify the facts stated in paragraphs 6 and 7 of the petition which relate to the events that have occurred on 25.11.99 and 26.11.99 whereas, admittedly the affidavit supporting the petition bears verification on 23.11.99. In view of the submissions made by Shri G.R.Nayyar, learned counsel for the respondents and the facts of the case, the plea for adjournment of the case is rejected as the petitioners and their counsel ought to have placed the correct facts before the Court at the time of filing the CP and verification. In the circumstances the claim of the proxy counsel for further verifying the facts is untenable and is rejected.

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5. From the above facts it is clear that the petitioners have not come before the Tribunal with clean hands and the CP is ~~to~~ misuse ^{a b} of the process of law. Therefore, the CP is dismissed with a warning to the petitioners and their counsel to strictly adhere to the law. Notices issued to the respondents are discharged.

Shanti

(Smt. Shanta Shastray)
Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

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