

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

CP No.212/95 in
OA No.450/94

New Delhi this the 13th day of February, 1996.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Sh. K. Muthukumar, Member (A)

(A3)

1. Dr. D.K. Agrawal,
S/o late Sh. P.K. Agrawal,
R/o 151 Janakpuri, Bareilly.
2. Dr. Swarup,
S/o late Sh. R.S. Sharma,
R/o E-Block, Rajindra Nagar,
Bareilly, ...Petitioners

(By Advocate Sh. S.S. Tiwari)

Versus

1. Dr. R.S. Paroda,
Director General,
Indian Council of
Agricultural Research,
Krishi Bhawan,
New Delhi.
2. Dr. G.C. Mohanty,
Director, Indian Veterinary
Research,
Krishi Bhawan,
New Delhi. ...Respondents

(By Advocate Sh. V.K. Rao)

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

We have heard the learned counsel for both the parties.

2. MA-3069/95 has been disposed of by order dated 11.1.96, whereby the presence of the respondents from personal appearance has been dispensed with.

3. The only question that survives in this Contempt Petition is the claim of the petitioners for payment of cost. Sh. S.S. Tiwari, the learned counsel for the petitioners submits that the respondents have implemented the judgement/order in OA-450/94 dated 21.11.94 only after the filing

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of this Contempt Petition on 25.9.95. He submits that as per the direction given in para-7 of the judgement, taking into account the large number of applicants, viz. 125, sufficient time has been granted to the respondents to make the necessary payments within a period of six months from the date of receipt of that order. He, therefore, submits that the payments, as ordered, should have been made to the petitioners latest by end of June, 1995 which the respondents have failed to do.

(X)

4. Sh. V.K. Rao, the learned counsel for the alleged contemners has been heard. He submits that as can be seen from the letter of the Indian Veterinary Research Institute, Izat Nagar, U.P. dated 6.12.95 (Annexure R-1), the decision to make the payments to the petitioners has been taken on 5.6.95. He frankly admits that there has been some delay in making the payments. However, he submits that because a large number of applicants were involved in this case some delay was inevitable. He further draws our attention to para-3 of the reply filed to the C.P. in which he submits that steps have been taken to comply with the judgement/order. He, therefore, submits that there has been no wilful delay on the part of the respondents warranting imposition of cost in this case.

5. We have carefully considered the averments and the record of this case.

6. The submission made by the learned counsel for the respondents that the delay caused in this case is because of involvement of a large number

of applicants cannot be accepted in the circumstances of the case. This fact has already been taken into account while passing the order in OA-450/94 and the period of six months had been granted to the respondents to make the necessary payments. As seen from the facts mentioned above, it appears that the respondents had only taken a decision to make the payments due to the applicants on 5.6.1995 and no payments as such were made before the expiry of the six months period mentioned in the order. Further, it is an admitted fact that the applicants have been given the payments due under the order only on 15th, 16th and 17th November, 1995.

7. Having regard to the above facts there is certainly some justification in the submissions made by the learned counsel for the petitioners that until the filing of this C.P. on 25.9.95 the respondents had not taken ^{effective} ~~any~~ steps to make the payments as ordered in the judgement. It is in these circumstances that we feel that there is justification for awarding some cost to the petitioners. Needless to say, it was incumbent on the respondents to take necessary action to implement the orders of this Tribunal in terms of the directions given therein. In this case it is also relevant to mention that the respondents had, at no time, approached this Tribunal for granting any further extension of time ~~given~~ granted to them, thereby taking it for granted that any delay on their part will automatically get condoned by this Tribunal. Such action cannot

countenanced in public interest and in the interest of justice. If the respondents had implemented the order in time, this C.P. probably would not have been filed and it would have avoided this unnecessary litigation. (A6)

8. Therefore, having regard to the facts and circumstances in this case, we direct the respondents to pay the cost of Rs.1,000/- (Rupees one thousand only) to the petitioners. It is, however, open to the respondents to recover this amount from the officers responsible for the ^{delay} in implementing the judgement, if they so deem fit.

9. C.P. is discharged.


(K. MUTHUKUMAR)

Member (A)


(SMT. LAKSHMI SWAMINATHAN)

Member (J)

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