

Central Administrative Tribunal

Principal Bench: New Delhi

CP No.109/96

In

OA No.1488/94

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New Delhi this the 22nd day of July 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

Hon'ble Mr K.Muthukumar, Member (A)

Delhi Collectorate Customs &  
Excise Ministerial Officers Association  
I.P.Estate  
C.R.Building  
New Delhi - 110 002.

...Petitioner

(By Advocate: Sh. R.P.Oberoi)

Versus

Sh. M.R.Sivaraman  
Secretary  
Ministry of Finance  
(Dept. of Revenue)  
North Block  
New Delhi-110 001.

...Respondent

(By Advocate: Sh R.R.Bharti)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

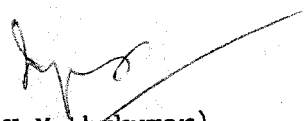
This CP arises out of order passed in OA 1488/94 dated 6.11.95. The OA was disposed of with directions to redress the grievances of the applicants, taking the OA as a representation and to address each of the issues raised by them in the petition. Now that the respondent did not comply with the directions and alleging that the inaction on the part of the respondent is wilful, the petitioners have filed the CP praying that action under the Contempt of Court Act may be initiated against the respondent. The respondent has filed a reply affidavit in which it has been stated that the representation of the petitioners has since been disposed of by a speaking order as directed in the judgement, on 10.6.96 and that delay in doing so may be excused as it was owing to

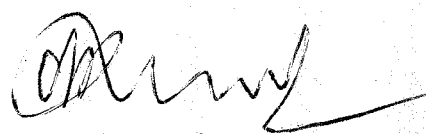
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unavoidable circumstances. The respondent has also expressed deep regret for having caused the delay and assured that such lapses would not recur in future. A copy of the speaking order passed on 10.6.96 has also been annexed as R-1 to the reply. We have heard Sh. R.P.Oberoi for the petitioners and Sh. R.R.Bharti for the respondent. We find that the respondent, though belatedly, has passed an order as directed in the judgement of the Tribunal. Considering the issues raised by the petitioners in the OA treating ~~his~~ <sup>it as a</sup> representation ~~as an~~ the decision taken by the respondent may not be to the liking of the petitioners and they may have their own grievances. In the order of the Tribunal, it was made clear that in case any grievances <sup>would be</sup> ~~are~~ still subsisting after the respondent disposed of the representation, it would be open for the petitioners to approach the Tribunal. If the

petitioners are not satisfied with the decision taken by the respondent in the order dated 10.6.96, the remedy open for them is to seek appropriate relief in an OA instituted in that behalf. That is not a reason why action has to be taken against the respondent. <sup>Under the Contempt of Court Act</sup> Learned counsel for the petitioners states that there is a delay in implementation of the order and it is sufficient reason for initiating action under Contempt of Court Act. We are satisfied that in the reply filed by the respondent, <sup>it has been stated that</sup> ~~that~~ the delay of two months was caused owing to unavoidable reasons and the respondent has no intention in his mind to defy the orders of the court. We accept the statement of the respondent to that effect in the reply.

2. In the light of what is stated, finding no reason to take any action under the Contempt of Court Act, we dismiss the CP and discharge the notice. Needless to say, it would be open for the petitioner to seek appropriate relief in a separate proceeding initiated in that behalf in case the petitioners are not satisfied with decision taken by the respondent.

  
(K.Muthukumar)  
Member (A)

  
(A.V.Haridasan)  
Vice Chairman (J)