

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CCP No.238/95
in
DA No.1315/95

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 18th day of March, 1996

Sushil Kumar Malik
Sr. T.I.A/DL
Traffic A/Cs Office
N.Railway
DELHI KISHANGANJ.

... Applicant

(By Shri R.K.Relan, Adv.)

Vs.

Shri V.K.Aggarwal
General Manager
Northern Railway
Baroda House
NEW DELHI.

Sh. A.K.Khanna
F.A.&C.A.O/WST
Northern Railway
Baroda House
NEW DELHI.

Smt. Meena Aggarwal
Dy. C.A.O./T
Traffic Account Office
Northern Railway
Delhi Kishanganj
DELHI - 110 007.

Sh. D.R.Narad
Sr. Accounts Officer/S.I.
Traffic Accounts Office
Delhi Kishanganj
DELHI - 110 007.

.... Respondents

(By Shri Rajeev Sharma, Adv.)

O R D E R (Oral)

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

**This Contempt Petition arises out of the
Order passed in Original Application No.1315/95.**

Contd.....2/-



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The above Original Application was disposed off with a direction to the applicant to file a clear self contained representation to the respondents bringing out the fact that he had been punished by the award of censure for the same period in the impugned order dated 30.3.95 and 28.4.1995 upon which the respondents ^{were} directed to dispose of the above representation in the light of the materials on record by a detailed speaking order under intimation to the Petition^{er} within a period of two months from the date of receipt of a copy of the representation. It was also observed that if any grievance still surviv^{ed} it ^{would} be open for the Petitioner to agitate the matter and seek such relief as may be advised. This order was passed on 27.7.1995. The Petitioner made a representation on 3.8.1995 (Annexure P-7). Finding that even after expiry of two months [✓] the representation submitted by the Petitioner was not disposed off by the respondents, the Petitioner has filed this Contempt Petition praying that action may be initiated against the respondents under the Contempt of Court Act.


2. Notices having been issued to the respondents on the Contempt Petition, respondents have filed reply stating that the representation submitted by the Petitioner was disposed of


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by a speaking order dated 20.11.1995 and a copy of the reply to the representation is also Annexure as R-9 to the reply. The respondents have explained the circumstances in which there was a delay in disposing of this representation and have tendered unconditional apology for the same.

3. When the Contempt Petition came up for hearing, the ld. counsel for the applicant states that the order given to the petition by the respondents is totally non-speaking and for that reason, even after disposing of the representation, Contempt is still on. Having given our anxious ~~observations~~ ^{considerations} to the directions contained in the order in the Original Application and as also the reply of the respondents to the representation given by the Petitioner (Annexure R-9) we are of the considered view that the respondents have not committed any act of contempt. Ld. counsel of the Petitioners argued that the order passed by the respondents did not meet all the points raised in the representation and therefore ^{it} cannot be considered a speaking order. We find that the respondents while passing orders have given their reason for the same. If that reason is not acceptable to the petitioners ^{his} remedy lies in challenging that in an appropriate proceedings and not in moving this Tribunal under this Contempt of Courts Act.

4. The Contempt Petition is therefore dismissed and this notice is discharged. No costs.


(R.K. Khooja)
Member (A)


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