

(21)

Central Administrative Tribunal
Principal Bench
New Delhi

CP 274/96 in OA 514/95

New Delhi, this the 7th day of February, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri S.P. Biswas, Member (A)

Ramesh Chand
s/o Shri Saran Das,
Substitute Khallasi
Signal Workshop,
Northern Railway,
Ghaziabad.
(By Shri B.S.Maine, Advocate)

...Petitioner

Versus

1. Shri S.A.A. Zaidi,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Sh. Roshan Lal,
Chief Signal Engineer,
Northern Railway,
Baroda House,
New Delhi.
3. Shri P.K. Mittal,
Chief Workshop Manager,
Signal Workshop,
Northern Railway,
Ghaziabad.
(By Shri B.S.Jain, Advocate &
respondents No. 2 & 3 in person)

...Respondents

O R D E R

By Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J):

This C.P. comes up for final disposal and this order is passed in continuation to our previous order dated 1.1.1997. In our previous order, we had held that the disobedience of the order of this Tribunal has been willful and we also directed the personal appearance of respondents No. 2 & 3. We had further directed respondent no. 1 to hold an enquiry to find



out the particular officer who is responsible for the above willful violation and report be submitted to this court alongwith action taken in pursuance to the said report.

The respondents have filed the report referred above in this court on 21.1.1997 alongwith action taken thereupon. In the said report it was shown that the responsibility of the delay was on account of Shri Ramphal, the then Superintendent, who has since retired and who did not understand the urgency of the case clearly. The delay has also occurred after 21.8.1996 as the file was not sent to respondent no. 3 with those remarks. Besides Shri Ram Phal, /who had been responsible for the lapse, were said to be Shri Dilip Kumar, Clerk; Shri Dharampal, Headclerk and Shri S.K. Goel, Office Superintendent. The action taken in pursuance to the said report was issuance of caution letters to these officers. The said letters are also on file.

In accordance with our previous order, respondents No. 2 & 3 were also personally present in the court. They have also filed an additional affidavit on 31.1.1997. Shri B.S.Jain, counsel appearing on behalf of the respondents, submitted an unconditional apology and attempted to explain the lapses committed by respondents No. 2 & 3. The report above referred clearly indicates that a screening was conducted on 28.6.1996 in accordance with the judgement of this court in OA - 513/95 and the AWM, who was subordinate of respondent no. 3 on 6.7.1996 recorded as follows:-



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"His screening has already been conducted on 28.6.1996. OS should expedite remaining formalities after publishing of results & removal of objections, if any etc., and in any case, the whole matter should be finally decided and cleared before 30.7.1996. CWM may kindly see for information."

This noting was seen by respondent no. 3. Thereafter nothing was done by 30th July, 1996 nor by 15th August, 1996 i.e. the time limit granted by this court in judgement in OA 514/95. It is submitted on behalf of the respondents that the file thereafter reached respondent no.3 only on 19.10.1996 ^{even on date} and /[^]admittedly he did not enquire as to why the file was not cleared on or before 15.8.1996 nor he has taken any steps to get extension of time from this court before the expiry of the time limit granted to the respondents for implementation of the order. When asked by the court to explain his conduct respondent no. 3 submitted that he was not aware of the seriousness of the directions given by this court. We were not impressed by the explanation given by respondent no. 3 as being a gazetted officer he should have understood the implication of the orders of this Tribunal and the time limit granted. In the event of any practical difficulty to comply with the orders before the date given by this Tribunal, he was at liberty to approach this Tribunal for extension of time, which he did



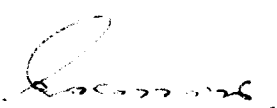
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not do. Thereafter, there was a precaution referred to by his immediate subordinate AWM that the file has to be disposed of by 31.7.1966, and the respondent No.3 did not even share the said concern of his own subordinate officer. Again on 19.10.1996 when the file came before him he was not at all taking any care to see whether the orders of this Tribunal was being violated, and no action was taken on the said date either; and the perusal of the documents in this file shows that action was taken only after receipt of the notice on Contempt of Courts proceedings by the respondents. In the circumstances our finding recorded that there was willful disobedience of the orders of this Tribunal stands.

Court also enquired from Respondent No.3 whether he is alternatively responsible for the action of Respondent No.3 and his subordinates. Respondent No.3 stated that he is ultimately responsible and he is tendering his unconditional apologies for the same purpose.

Both the respondents i.e. Respondent No.2 & 3 have tendered unconditional apologies and we are inclined to accept these apologies only on payment of cost of Rs.1000/- (Rupees One thousand only) each. We are ordering accordingly. We must make it clear that the cost now being ordered shall be recovered personally from the respondents No.2&3. It is also directed that Respondent No.2&3 shall present themselves on 7.2.97 to accept the order of this Tribunal and who shall also present themselves to the well of the court for solemn apologies.

With these directions, this Contempt Petition is disposed of.


(S.P. Biswas)
Member (A)


(Dr Jose P. Verghese)
Vice Chairman(J)