

Continued Sheet

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Date : Office Report

Orders

GP: 138198  
OA: 2948/97

27.4.98

Present: Sh. T. S. Ahuja, Ad.  
Sohelia for the  
applicant.

C.P. has been disposed of  
by a D.B. of Housle  
the chairman + Housle  
Sh. R.K. Ahuja, MCA).

30

Prash  
C.P.C.L

Central Administrative Tribunal  
Principal Bench

(15)

C.P. No. 138/98 in  
O.A. No. 2948/97

Hon'ble Mr. Justice K.M. Agarwal, Chairman  
Hon'ble Shri R.K. Ahooja, Member (A)

New Delhi, this the 27th day of April, 1998

Shri Manikeshwar Sharma  
s/o Shri Birkha Ram  
aged 33 years posted as  
Constable, Delhi Police  
PCR, North West Zone  
r/o C 37, Rana Park  
Sameypur Badli  
Delhi - 110 042.

... Applicant

(By Shri T.S. Ahuja, Advocate)

Vs.

1. Union of India through  
Secretary  
Ministry of Home Affairs  
Central Secretariat  
New Delhi.

2. Commissioner of Police  
Police Headquarters  
I.T.O.  
New Delhi - 110 002.

... Respondents

O R D E R (Oral)

Hon'ble Mr. Justice K.M. Agarwal, Chairman

Vide order dated 23.12.1997 in OA No. 2948/97, this Tribunal was pleased to direct the respondents to dispose of the applicant's representation dated 21.4.1995 within the period of three months from the date of service of a copy of the order. Pursuant to the said directions, the respondents took up the matter and informed the applicant that except legal notice dated 21.4.1995, that too without signatures of the applicant, was served and there was no other representation either made or pending with the department. The applicant has therefore moved this Tribunal with this application for Contempt.

(6)

2. The learned counsel fairly conceded that there was no representation except the legal notice sent to the respondents on 21.4.1995 but the learned counsel for the applicant making submission that the said notice should have been treated as representation of the applicant and the directions of this Tribunal were to be complied by the respondents.

3. Be that as it may, the order of the Tribunal does not indicate that the respondents were to treat the aforesaid legal notice as a representation and to decide the same accordingly. Accordingly, we are of the view that technically the respondents cannot be said to have committed any contempt and therefore this application for contempt, *prima facie*, appears to be liable for dismissal. However, in the peculiar facts and circumstances of the case, and with a view to meet the ends of justice, we direct the applicant to file a representation, duly signed by him, within a period of 15 days from the date of receipt of a copy of this order before the respondents and thereafter, the respondents are advised to dispose of such representation of the applicant within next three months from the date of receipt of a representation from the applicant.

4. Accordingly, this Contempt Petition is hereby disposed of.

*KM*  
(K. M. Agarwal)  
Chairman

*RKA*  
(R. K. Ahooja)  
Member (A)

/rao/