

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P.No.226/98 in O.A. No.1753/97

NEW DELHI, THIS THE 22ND DAY OF DECEMBER, 1998.

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN
HON'BLE MR.K.MUTHUKUMAR, MEMBER(A)

1. Indel Singh Tomer
S/o Shri Gajraj Singh
(Applicant No.1)
2. Raj Rani
W/o Sh.Shesh Pal
3. Naresh Chand Sharma
S/o Sh.R.C.Sharma
4. Bassisht Singh
S/o Shri Bachu Singh
5. Vinay Kumar
S/o Sh.Deep Chand
6. Chander Bali Pandey
S/o Sh.Lalan Pandey.
7. Attar Singh
S/o Sh.Push Ram
8. Ram Chander Singh
S/o Sh.Janki Singh
9. Rajender Singh
S/o Sh.Jagat Singh
10. Rajbir Silngh
S/o Shri Sahib Singh
11. Anand Prasad
S/o Nakure
12. Chanderesh Singh
S/o Shri Bhagwan Singh
13. Upender Tripathi
S/o Sh.Maheshwer Prasad
14. Ram Sanjewan Gupta
15. Raj Pati
S/o Ram Pher
16. Man Sukh Rawal
S/o Moda Ram Rawal
17. Ram Sajjan
S/o Sh.Sita Ram
18. Raj Pal
S/o Mam Chand

.....Applicants

(BY ADVOCATE SHRI RISHIKESH)

vs.

1. A.K.Singh
Director General
(Home Guards & Civil Defence)
Delhi Home Guards,
Nishkanm Sewa Bhawan
Raja Garden, New Delhi.
2. Kuldeep Singh Malhotra
Commandant
Delhi Home Guards
Nishkam Sewa Bhawan
Raja Garden
New Delhi.
3. Shri Omesh Sehgal
Chief Secretary
Govt.of N.C.T.
5 Shamnath Marg,
Delhi.

....Respondents

(BY ADVOCATE SHRI RAJINDER PANDITA)


ORDER(ORAL)


JUSTICE K.M.AGARWAL:

This Contempt Petition has been filed for disobedience, with the common order passed in OA No.1753/97 and 11 other connected O.As. on 12.12.1997.

2. We perused the order. We find that the initial draft order was prepared by Dr.Jose P. Verghese, the then Vice Chairman (J) and sent the same to the other Member, K.Muthukumar who had constituted the Bench with him. Muthukumar did not sign the draft order prepared by Dr. Verghese and sent his separate order for consideration to Dr.Verghese. At the outset, Muthukumar, AM pointed out that he was unable to persuade himself to agree with some of the premises taken and the conclusions arrived thereon by Dr.Verghese. After receiving the separate order of Muthukumar, Dr.Verghese did not direct the case to be listed before the D.B. for pronouncement of the judgement. Instead, he unilaterally passed his second order and under his exclusive signatures pronounced the same on 12.12.1997, containing certain directions to the respondents. Under these circumstances, we are of the view that there is no executable or operative

order of the D.B. that heard OA No.1753/97, and other connected matters. Under these circumstances, no question of contempt or compliance with those directions given by only one of the Members constituting the Bench arises. We are, therefore, of the view that the present CP is misconceived and accordingly, it deserves to be dismissed. Accordingly, it is hereby dismissed. Rule nisi shall stand discharged.


(K. M. Agarwal)
Chairman


(K. Muthukumar)
Member (A)

/as/