

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

CP. No. 231 of 1997
in
OA. No. 466 of 1997

AB
A1

New Delhi, this 22nd day of September, 1997.

HON'BLE DR JOSE P. VERGHESE, VICE CHAIRMAN (J)
HON'BLE MR K. MUTHUKUMAR, MEMBER (A)

Sri Prakash
S/o Shri Chaturi Prasad
Sk. Fitter M.W.
Signal Workshop, N. Rly.
Ghaziabad. ... Petitioner

By Advocate: Shri G. D. Bhandari

versus

1. Shri S. P. Mehta
General Manager
Northern Railway
Headquarters Office
Baroda House
New Delhi.
2. Shri P. K. Mittal
Chief Works Manager
Signal Workshop
Northern Railway
Ghaziabad. ... Respondents

By Advocate: Shri R. L. Dhawan

O R D E R (ORAL)

Dr Jose P. Verghese, VC (J)

This CP has been filed complaining that the directions on interim orders passed by us on 4.4.97 have been violated. By the said order, since simultaneous criminal proceedings were going on against the petitioner, by way of interim relief, we had stated that the petitioner shall not be compelled to cross examine

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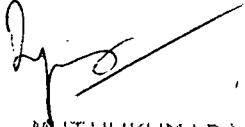
the witnesses or to proceed with the recording of evidence on defence side. Notices were shown to have been served on respondent no.1 on 7.4.97 and thereafter on 9.4.97 respondent no.2 proceeded to record the statement of the petitioner allegedly on compulsion, which according to the petitioner is in violation of our interim orders passed on 4.4.97. The counsel for the respondents says, though respondent no.1 had received notice on the CP on 7.4.97, no communication was given to respondent no.2 and notice to respondent no.2 was sent on 15.4.97 and received by him only on 16.4.97. In the circumstances, respondent no.2 has not violated the interim orders of this court.

2. In any event, the respondents in a hurry seems to have been taken the statement from the petitioner on 9.4.97 stating that no intimation of our interim orders had been made available to respondent no.2.

3. The counsel for the petitioner also stated that in view of the interim orders, they are willing to pass an appropriate order, ignoring the statement taken from the petitioner on 9.4.97 and stay further proceedings during the pendency of this case or till the interim orders were modified.

4. In the circumstances, taking into account the fact that the notice had been served on respondent no.1 on 7.4.97, we dispose of this CP and discharge the notice with cost of Rs.1000 on respondent no.1 who may hold an enquiry as to who is responsible for not inimating the notice issued by this court to the respondent no.2 who happened to take action in violation of our orders. Thereafter respondent no.1 is given liberty to recover the amount from those officials who are found responsible for such inaction amounting to violation of the orders of this court. The said amount will be paid to the Legal Aid Cell of the C.A.T. Association.

With this, the CP is disposed of.
Notices discharged.


(K. MUTHUKUMAR)

MEMBER (A)


(DR JOSE P. VERGHESE)

VICE CHAIRMAN (J)

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