

Central Administrative Tribunal
Principal Bench

CP 18/97 in OA 146/96

New Delhi, this the 28th day of April, 1997

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

1. Opendar Tripathi s/o
Sh. Maheshwari Prashad
AB-438, Amarpuri Nath,
Karimpuri,
Delhi.
 2. Subhash Chand Yadav,
s/o R.L. Yadav
A-121, Amarpuri Nath,
Karim, Delhi.
 3. Ranjeet Yadav H.G. s/o Shri R.K. Yadav
5253, GB Rct., Delhi.
 4. Jagan Nath Yadav s/o Shri Tuttar Yadav,
188-A, ... Railway Colony, Kochi No. 2,
Near Tis Hazari Court, Delhi.
 5. Jagdish Prasad s/o Shri Hiranman Prasad
D-3, DDA Colony, Nathupura,
New Delhi.
 6. Hari Ram s/o Shri Kunjal,
C 57/55, Shahid Basti, Nabi Karim,
Delhi. ... Petitioners
- (By Advocate Shri U. Srivastava)

VERSUS

1. Shri T.R. Kakkar,
D.G. Home Guards,
Nishkam Seva Sadan,
Raja Garden,
New Delhi. ... Respondents
- (By Advocate : Shri Surat Singh)

O R D E R (Oral)
(Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J))


In these proceedings, notices were issued
on 20.1.1997 on the basis of an application
complaining against non-implementation of our orders
dated 19.1.1996.

Respondents had filed a counter reply and it was then stated that the orders have been complied with. The said statement was disputed by the petitioners and we, on perusal of the statement, found that there was no compliance of our orders. The respondents made an attempt only to call the petitioners and kept them idle without giving actual duties assigned and we consider that it was not the direction issued by this court on 19.1.1996.

On 2.4.1997 we had given another opportunity to the respondents to comply with our orders stating that the respondents would pass appropriate orders in accordance with our direction within one week i.e. by 17.4.1997. They were also directed to intimate appropriate orders to the petitioner by speed post and to file an affidavit of compliance in this court before the next date of hearing. It was further directed that in the event no such compliance report is forthcoming, parties were to be present personally in the court to take further orders.

Today when the matter was called, we found no order has been passed as directed by us and the respondents' counsel produced some orders subsequently passed at the instance of an officer namely Shri K.S.Malhotra who is present in the court. Shri Malhotra states that Shri T.R.Kakkar against whom the notice had been issued has been transferred on 1.4.1997 and the concerned officer

Shri P. K. Lorange, has been transferred on 21.4.1997 without complying with our orders which he should have complied with by 27.4.1997. In view of this fact that the officer concerned has now left the office without passing the appropriate order as directed by us. The responsibility that falls out of the disobedience of our orders now falls on the respondents' department. Learned counsel for the respondents made a feeble attempt to regret the disobedience but we are not fully convinced of the bonafide intention and in the circumstances we accept the same conditionally and direct the respondents to pay Rs. 6000/- as cost that is to say Rs. 1000/- to each of the petitioners, within fifteen days from today. With these directions, this C.P. is disposed of and notices issued to the respondents are discharged.


(S.P. Biswas)

Member (A)


(Dr. Jose P. Verghese)

Vice-Chairman(J)

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