

Central Administrative Tribunal
Principal Bench: New Delhi

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CP 101/97 in OA 2639/96

New Delhi, this the 6th day of May, 1997

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

Shri J.S.Sharma,
s/o late Shri P.S.Sharma,
r/o 6/H, Shahpurjat,
New Delhi. ...Petitioner

(By Sh.V.K.Rao, Advocate but
none appeared)

-Versus-

Dr. S.P.Agarwal,
Director General,
Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi. ...Respondents

(By Mrs. Raj Kumari Chopra, Advocate)

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

These contempt of courts proceedings have been initiated in pursuance to our orders dated 31.12.1996 by which this court was disposing of a transfer matter of the petitioner. Opposing the said OA, the respondents' counsel pointed out to this court that the petitioner himself is willing to join at Calcutta first and take appropriate action subsequently. In view of this, as stated in para 4 of the order, the applicant is shown to have been willing to abide by the order of transfer, ^{and} he was directed to make a representation. In the light of the said direction of the court, petitioner made a representation and the respondents were to consider the said representation sympathetically and

consider transferring the petitioner back to Delhi, in view of the averments made in the OA, especially considering the ill-health of the applicant's wife and pass appropriate orders.

The respondents in their reply have shown that they have complied with our orders by passing an order on the representation stating that they have considered the representation of the applicant sympathetically but they are unable to transfer the applicant back to Delhi. This order dated 4.4.1997 is annexed at page 21 of the petition.

Learned counsel for the applicant had stated that the representation was made on 3.2.1997 by the applicant and the said representation was to be disposed of by the respondents within a period of one month from the date of receipt of the said representation. The contention of the petitioner was that the respondents did not dispose of the representation as per the direction of the court and the representation was disposed of only after the receipt of notice of the present C.P. On perusal of the file, we noticed that the notice, for the first time, was issued only on 10.4.1997 and the order complying with our orders was passed by the respondents on 4.4.97.

In view of this, the submission of the petitioner that the reply to the representation was given only after receipt of the notice of these proceedings is not correct but at the same time respondents have not complied with our orders to the extent that no order was passed within the time granted by the court to pass such an order namely one month. Since respondents have now filed a reply in response to the

notice and the compliance has been made admittedly prior to the issuance of the notice, we dispose of these proceedings and discharge notice granting liberty to the petitioner to approach an appropriate forum for the remedy.

A copy of this order be given to both the parties.

Biswas
(S.P.Biswas),

Member (A)

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

#Ahuja#