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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 87/94 in
O.A. NO. 209/93

New Delhi this the 22nd day of November, 1994

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Delhi Patwaris Welfare Association
(Regd.), Tees Hazari Courts
Building, Delhi through its
General Secretary, Shri Bhagwan
Singh.

... Applicant

By Advocate Shri Naresh Kaushik

Versus

1. Shri R. K. Takkar,
Chief Secretary,
Delhi Administration,
5, Alipur Road, Delhi.

2. Shri D. M. Sapolia,
Deputy Commissioner, Delhi,
Tees Hazari Courts Building,
Delhi.

... Respondents

By Advocate Shri Vijay Pandita

ORDER (CRAL)

Shri Justice S. C. Mathur —

The applicant alleges disobedience by the respondents of the Tribunal's judgment and order dated 19.8.1993 rendered in O.A. No. 209/93.

2. In the aforesaid O.A., the claim of the applicant was that the Patwaris were entitled to certain travelling allowance in respect of the journeys performed by them in the discharge of their duties. Earlier, their claim had been accepted by the Deputy Commissioner, Delhi, but it appears that some objections were raised at higher level which necessitated the filing of the O.A. In the O.A., it appears to have been asserted

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on behalf of the Administration that the action of the Deputy Commissioner involved huge financial burden upon the Government and the said action required scrutiny at higher level. Taking note of the submission made by the learned Government counsel, a Single Member Bench issued direction to the Chief Secretary of the Delhi Administration to consider the case of the applicant and communicate his decision to the Deputy Commissioner so that it could be implemented as expeditiously as possible. The Tribunal stated that the exercise may be completed within a period of four months from the date of communication of the order.

3. The learned counsel for the applicant asserted that instead of the Chief Secretary of the Delhi Administration complying with the directions, the Deputy Commissioner has called for unnecessary information from the applicant and from the members of the applicant association. It is submitted that the information sought is already available on record of the Deputy Commissioner's office and, therefore, the exercise undertaken by the Deputy Commissioner's office is futile. This submission is based on the facts stated in the reply filed on behalf of the Delhi Administration.

4. It is not disputed by the learned counsel for the applicant that information was sought by the office of the Deputy Commissioner from the applicant association and also from its members but the said information was not supplied. Along with the

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rejoinder affidavit, Annexure R-I has been filed in support of the plea that the relevant information was already available in the office of the Deputy Commissioner. Annexure R-I appears to be a note prepared in the office of the Deputy Commissioner on the basis of which sanction order dated 18.5.1992 was passed by the Deputy Commissioner, Delhi, on the basis of which claim was preferred by the applicant association in the O.A. which has given rise to the present contempt application. The office note does not bear anybody's signatures. It may be assumed that the office note was prepared by a person competent in that behalf. However, that did not deprive the Deputy Commissioner of the jurisdiction to call for information from the applicant association and its members themselves for putting up the case before the Chief Secretary. In our opinion, the attitude of the applicant association and its members was not at all reasonable. They could complain of disobedience only after they had supplied the information called for from them.

5. The learned counsel for the applicant has submitted that the applicant will now supply the relevant information within three months. If such information is supplied, the period of four months referred to in the judgment of the Tribunal shall count from the date of supply of the said information. At this stage, the respondents cannot be said to have disobeyed the judgment of the Tribunal. The occasion to file application for contempt may arise

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if the Chief Secretary does not take action despite receipt of relevant information. The applicant will, therefore, have liberty to file fresh application for contempt if there is inaction on the part of the respondents after receipt of information from the applicant.

6. Since at this stage the respondents cannot be said to have disobeyed the judgment of the Tribunal, this application is rejected subject to the reservation made hereinabove. There shall be no orders as to costs. Notice issued is hereby discharged.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

/as/

S. C. Mathur

(S. C. Mathur)
Chairman