

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 15/2001
OA 780/2000

New Delhi, this the 28th day of February, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri Govindan S. Tamai, Member (A)

Shri Dharam Pal Singh
S/o Shri Basawan Singh
Head Booking Clerk
Northern Railway

(By Advocate Shri K.K.Patel)

...Petitioner

V E R S U S

1. Shri S.P.Mehta
General Manager
Northern Railway
Head Quarter Office
Baroda House, New Delhi.

2. Shri Vinod Sharma
Divisional Railway Manger
Northern Railway
New Delhi.

3. Shri Sanjeev Garg
Sr. Divisional Commercial Manager
Northern Railway, New Delhi.

...Respondents.

(By Advocate Shri B.K.Aggarwal)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

Both learned counsel heard on CP 15/2001.

2. Shri B.K.Aggarwal, learned counsel has submitted a copy of the order passed by the respondents dated 14-2-2001 allowing the applicant's request to be posted at Delhi. He further submits that the applicant has since joined his duties at Delhi. In this view of the matter learned counsel for the respondents has pleaded that the Contempt Petition may be dropped. He has also drawn our attention to the letters dated 10-11-2000 and 29-1-2001 issued by the respondents which he submits is the action taken by them in pursuance of the Tribunal's order dated

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9-10-2000 in OA 780/2000. Learned counsel has submitted that although the respondents had initially thought that they had complied with the Tribunal's order by passing their order dated 10-11-2000 which was well within time, but when they found that there has been no mention of consideration of PS No.6024 as directed by the Tribunal in its order dated 9-10-2000 further exercise was done by the concerned officers which has resulted in a more detailed and reasoned order dated 29-1-2001. He has also tried to explain the admitted delay on the part of the respondents in complying with the Tribunal's order within the time prescribed and has prayed that this may be condoned for which has also tendered an apology. He has also drawn our attention to the detailed facts given in the second letter in which they have considered the case of the applicant and in the administrative exigency taken a decision to transfer the applicant from Shamli Station. As also mentioned above, at the request of the applicant, he has been further transferred to Delhi Station where he has reported.

3. Shri K.K.Patel, learned counsel has submitted that if the respondents have chosen to file their reply to the OA itself giving the detailed reasons for transfer of the applicant, perhaps there would not have been any need to press the OA further. The OA itself was filed on 2-5-2000 and till the time of the final hearing of the case, the respondents had not filed any reply and none had appeared on their behalf.

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4. We have carefully considered the submissions made by the learned counsel for the parties. We do appreciate the stand of Shri B.K.Agarwal, learned counsel and his anxiety to defend the action of the respondents in passing the two letters, dated 10-11-2000 followed by another letter on 29-1-2001, with-in a gap of nearly 2 1/2 months. This is because the respondents did not care to read and understand the Tribunal's order dated 9-10-2000, that they had to consider the case of the applicant in conjunction with their own Circular dated 14-3-1974 (Sl. No.6024), which led to the second letter and that too in a Contempt Petition. In the circumstances, we are of the view that this is a fit case where a penalty should be imposed on the respondents for the deliberate delay and the manner of implementation of the order. In other words, while we are satisfied that the respondents have to some extent carried out the directions of the Tribunal's order dated 9-10-2000, there is no complete compliance shown in their letter dated 10-11-2000. As admitted by the learned counsel himself, the delay has occurred which has not at all been satisfactorily explained in the light of the Tribunal's order dated 9-10-2000. Further, it is also relevant to note that even in the OA itself the respondents could have brought out the relevant facts which they have now chosen to do in the CP, as also submitted by Shri K.K.Patel, learned counsel for the petitioner, which they failed to do earlier.

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5. In the result for the reasons given above, while notices to the alleged contemnors are discharged it is subject to payment of a fine of Rs.500/- (Rupees five hundred) to be paid by the respondents under the provisions of the Contempt of Courts Act, 1971 read with the provisions of ~~MMR~~ Section 17 of the Administrative Tribunals Act, 1985.


(Govindan S. Tampi)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

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