

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

1.2.1993.

Regn. No. O.A. 644/1988,
O.A. 1179/1987,
O.A. 1206/1987, and
O.A. 1360/1987.

Vijay Kumar, IAS Vs. Union of India & Others.

Registry has sought my orders regarding listing of O.A. 644/1988, O.A. 1179/1987, O.A. 1206/1987 and O.A. 1360/1987 along with the M.P.s filed in the respective cases.

I have perused the resume' of the cases filed by Shri Vijay Kumar submitted by the Deputy Registrar (Judicial) and the Principal Private Secretary. The then Chairman, Shri Amitav Banerji, has passed an order on 21.5.1990 that "It appears to me that/ is not feasible to ask any Bench of the Tribunal to hear the cases of Shri Vijay Kumar until he expresses regret to the Bench of Hon'ble Mr. B.C. Mathur, Vice-Chairman (A) and Hon'ble Mr. T.S. Oberoi, Member (J) and further gives an undertaking that he would not behave in a manner unbecoming of a litigant before the Tribunal. Until the above is complied with, the cases of Shri Vijay Kumar will not be listed for hearing and orders before any Bench of this Tribunal." In the carefully prepared resume' it is pointed out that there is nothing to that this order of the Chairman has been complied with. It however, noticed that these cases were listed before the Bench but the cases were not heard. A considered order having been made by the Chairman on 21.5.1990 not to list these cases for hearing before any Bench of the Tribunal unless the conditions specified therein are fulfilled, it would not be proper to issue any directions to the Registry to list these cases until the conditions are satisfied.

2. There are two conditions, viz., (1) that Shri Vijay Kumar should express regret to the Bench consisting of Shri B.C. Mathur and Shri T.S. Oberoi, and (2) that he should give an undertaking that he would not behave in a manner unbecoming of a litigant before the Tribunal. As Shri B.C. Mathur and Shri T.S. Oberoi have since retired, it is possible to

contend that the condition of expressing regret to that Bench has become impossible of performance. This, however, cannot be said in regard to the second condition. The petitioner should have furnished an undertaking that he would not behave in a manner unbecoming of a litigant before the Tribunal. No such undertaking has been furnished by the petitioner even though he had more than two years to comply with this direction. The petitioner had several opportunities of doing so when the cases were listed before the Courts, obviously for ascertaining if the conditions are satisfied to enable the Bench to hear those cases. From the conduct of the petitioner, it is reasonable to draw an inference that the petitioner has no intention to furnish the undertaking as directed by the Chairman to enable him to get these cases listed for hearing.

3. However, by way of indulgence, one month's time is granted from the date of receipt of this order to file the aforesaid undertaking. If the petitioner fails to furnish the undertaking, he will forfeit his right to get these cases listed before a Bench for hearing. Then the question of the Registry listing these cases for hearing would not arise. If the undertaking is not furnished within time, the Registry shall not list these cases and shall take steps to consign the records of all these cases. Let a copy of this order be sent by register post to the petitioner at the address given by him in D.A.644/198

Mani

(V.S. MALIMATH)
CHAIRMAN
1.2.1993.