

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

(19)

CCP 51/1990 in
O.A. No. 1105/1986
T.A. No.

199

DATE OF DECISION 26.7.1991

<u>Shri P.C. Gautam</u>	Petitioner
<u>Shri T.C. Aggarwal</u>	Advocate for the Petitioner(s)
Versus	
<u>U.O.I. through S.M. Vaish,</u> General Manager & Another	Respondent
<u>Shri O.N. Moolri</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? Y
2. To be referred to the Reporter or not ? NO
3. Whether their Lordships wish to see the fair copy of the Judgement ? / NO
4. Whether it needs to be circulated to other Benches of the Tribunal ? / NO

(JUDGMENT OF THE BENCH DELIVERED BY
HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J))

The petitioner, who is the original applicant in OA 1105/90 has alleged that the respondents have not complied with the directions of the Tribunal in its judgment dated 28.8.1989. The Tribunal had remitted the case to the appellate authority with the direction that the appellate authority shall pass a fresh order on the appeal of the applicant in accordance with law and after affording an opportunity of personal hearing to the applicant. The appellate authority was directed to pass a reasoned order with accordance with law within a period of 3 months. It was also observed that the appellate authority

(u)

shall also consider such other grounds as are raised by the parties during the course of hearing.

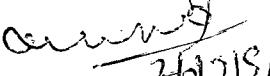
2. We have heard the learned counsel of both parties and have gone through the records carefully. We have also seen the original records relating to the case, produced by the respondents for our perusal.

3. It is clear from page 15 of the notes that personal hearing was granted by Senior DOS on 9.1.1990. The petitioner also gave a fresh representation together with the annexures. Thereafter, the appellate authority passed order dated 19.1.1990 in which it has considered the points raised in the four paragraphs of the representation, seriatim.

4. It is true that the appellate authority did not give personal hearing to the petitioner and pass its order within the time limit stipulated in the judgment dated 28.8.1989. The respondents have, however, explained the reasons for the delay and we are satisfied with the explanation given by them. In our view, the final order passed by the appellate authority is a speaking order.

5. We, therefore, see no merit in the CCP and the same is dismissed. The notice of contempt is also discharged.


(B.N. DHOUDIYAL) 26/7/81
MEMBER (A)


(P.K. KARTHA)
VICE CHAIRMAN (J)