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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

C.C.P. NO. 59/91 in  
O.A. NO. 78/87

Decided on 06.01.1992

Bir Singh

... Petitioner

Vs.

S. M. Vaish, General Manager,  
Northern Railway & Ors.

... Respondents

CORAM : HON'BLE SHRI JUSTICE V. S. MALIMATH, CHAIRMAN

HON'BLE SHRI P. C. JAIN, MEMBER (A)

Shri Malik B. D. Thareja, Counsel for Petitioner

Shri K. C. Gupta, proxy counsel for Shri Romesh  
Gautam, Counsel for the Respondents

O R D E R (ORAL)

(Hon'ble Mr. Justice V. S. Malimath, Chairman) :

We are satisfied that the judgment of the Tribunal has since been complied with in that the complainant has been taken back in service. There is no order regarding regularisation and, therefore, the complaint that his service has not been regularised, cannot be entertained. There is, however, a contention that there has been an inordinate delay in the compliance of the order. The respondents have taken the stand that the applicant was called for appointment and directed to appear for a medical examination, but he did not do so. There was a delay which is attributable to the complainant himself. To this, the answer of the complainant is that he had never been called upon to appear for a medical examination. ✓ The respondents have denied that the applicant had made

representations dated 1.11.1990 and 19.12.1990 filed as Annexures A-2 and A-3. There is no material before us in support of the claim of the complainant that the representations were in fact received by the respondents. The complainant has not produced any acknowledgement to show that the respondents have received the same. Hence, it is not possible to take the view that the respondents have committed contempt by delayed action. The proceedings are dropped and the notice of contempt is discharged. No costs.

*Cen*  
( P. C. JAIN )  
MEMBER (A)

*V. S. Malimath*  
( V. S. MALIMATH )  
CHAIRMAN