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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

CCP NO. 108/92 in
D.A. No. 1207/87

DATE OF DECISION: 21st July, 1992.

Dr. K.M. Palit.

... Petitioner.

Versus

Shri R.C. Jain,
Secretary,
Department of Coal,
Ministry of Energy and
Ores.

... Respondents.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

... Shri S.C. Luthra,
Counsel.

For the Respondents 1 to 3.

... Mrs Raj Kumari Chopra,
Counsel.

For the Respondent No. 4.

... Mrs Avnish Ahlawat,
Counsel.

ORDER (ORAL)

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


In view of the affidavit filed by Respondent No. 4, Chief Secretary, Delhi Administration, praying that he may be exempted from appearing personally before the Tribunal today explaining the reasons in support of this prayer, we accede to his request and exempt him from personal appearance before the Tribunal.

2. Shri Luthra, learned counsel for the petitioner, submitted that in the light of the affidavit of the 4th respondent, there is nothing that survives which is required to be done by the 4th respondent. He, therefore, submitted that the contempt proceedings against Respondent No. 4 be dropped. We accede to his request

✓ and drop the proceedings against Respondent No. 4.

3. We had also directed personal presence of Respondent No.1. Respondent No. 1, as impleaded by the petitioner, is Shri R.C. Jain, Secretary, Department of Coal, Ministry of Energy, Shastri Bhavan, New Delhi. In the affidavit filed by the Under Secretary, Ministry of Coal, it is stated that Shri Jain could not be present today before the Tribunal, he having retired even before the order was made. On instructions the counsel for respondents Mrs Raj Km. Chopra, submits that Shri Jain retired on 30.9.91. The petitioner should have ascertained the facts correctly before filing the petition for taking action under the Contempt of Courts Act. The error committed on the part of the petitioner resulted in unnecessary difficulties to the authorities who have to defend themselves in these proceedings. On account of this negligent act on the part of the petitioner, we could decline jurisdiction under the Contempt of Courts Act. But having regard to the explanation of Shri Luthra that the petitioner may not be possessed of the relevant information and that his conduct may be regarded as bonafide, we do not propose to take such extreme step.

4. The respondents have filed an affidavit explaining as to what has been done. It is stated that the judgement has been fully complied with. The information in regard to the steps taken in this behalf has also been furnished. We see no good ground to disbelieve the version of the respondents. Hence, no further action in these proceedings is called for. CCR is accordingly disposed of.


(I.K. RASGOTRA)
MEMBER(A)

SRD
210792


(V.S. MALIMATH)
CHAIRMAN