

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
DELHI.

CCP 8/93 in  
DA 361/88.

Date of decision: January 15, 1993.

HARI KRISHNA SHARMA & ANOTHER .... PETITIONERS.

vs.

MR. RAJ KUMAR, GENERAL MANAGER, ... RESPONDENT.  
NORTHERN RAILWAY, BARODA HOUSE,  
NEW DELHI.

CORAM:

HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.

HON'BLE MR. S.R. ADIGE, MEMBER (A).

For the petitioners ... Petitioners in person.

ORDER (ORAL)

(BY MR. JUSTICE V.S. MALIMATH, CHAIRMAN)

The complaint of the petitioners in this case is that the judgment of the Tribunal in DA 361/1988 has not been obeyed. The complaint in this behalf was made in the earlier CCP No. 276/92 and CCP No. 196/92. After an elaborate examination of the complaint, both these CCPs were dismissed after recording the finding to the effect that the judgment of the Tribunal has been complied with. A special test was required to be held for the benefit of the petitioners and if they succeeded in the test, they were required to be given certain consequential benefits. The respondents after holding a special test for the petitioners as directed by the Tribunal submitted that the petitioners not having qualified in the test, question of giving the benefits to the petitioners does not arise. In support of their case, they produced the orders of the competent authorities to the effect that the petitioners have not qualified in the special test held on 30.9.1992 and 1.10.1992. We accepted

the said order and held that the judgment has been complied with and dropped the proceedings.

2. Thereafter the petitioners filed Review Application No.396/92 in CCP 196/92 and 276/92 seeking review of the order made by the Bench in which one of us (Malimath, J.) was a Member, dismissing the two earlier contempt petitions. That review application has been dismissed by the Bench which dealt with the said CCPs on 1.1.1993. This is now the third round of litigation which the petitioners have brought complaining that the judgment of the Tribunal has not been complied with. The petitioners' case is that they have in fact passed in the said test and by making a false submission, the respondents have persuaded the Bench to dismiss the earlier C.C.Ps.

3. In the present CCP they have stated that they have been communicated with the orders regarding the result of the test which they have taken as per Annexures P-6 and P-7 wherein it has been shown that the petitioners have been declared qualified in the special written test held on 30.9.1992 and 1.10.1992. They have also produced photostat copies of orders which the respondents had filed in the earlier CCPs and on which we have placed reliance, Annexures P-3 and P-4. Both these annexures state that the two petitioners have not been declared qualified in the special written test held on 30.9.1992 and 1.10.1992. The expression 'has not been declared qualified' is added by type writing in Annexures P-3 and P-4, ~~and~~ <sup>✓</sup> In Annexures P-6 and P-7 the statement relied upon by the petitioners reads 'has been declared qualified'. This is added to the

typewritten order in the handwriting. It does not contain any initial of the officer or the authority. The actual copies received by the petitioners have not been filed and it is stated that they have been filed in a criminal case.

Be that as it may, we are inclined to take the view that the authorities who were impleaded as parties to the proceedings having filed authenticated copies of the orders in the earlier CCPs and we have accepted the same, we find it extremely difficult to accept the version of the petitioners on the strength of Annexures P-6 and P-7 which they have now produced. That the version of the respondents that the petitioners have failed in the test is not a true version, apart from the copy of the order in the earlier CCPs, a reply duly signed by the respondents and their counsel Shri Shyam Moorjani dated 2.11.1992 was filed. There is a positive assertion to the effect that the petitioners have failed to qualify the written test and there is nothing survives in the matter. It is, therefore, a case where not only authenticated copies of the orders passed to the effect that the petitioners have failed in the test were produced in the earlier proceedings but they are further supported by the statement of the respondents and their counsel. We have accepted the same and dropped the proceedings. In the circumstances, it is not possible to accept the copies which they have <sup>now</sup> furnished as representing their true state of affairs in regard to the test which the petitioners have taken. As we are satisfied that no case has been made out in this CCP to take a

different view of the matter, this C.C.P. is  
also dismissed.

*Infidge*  
(S.R. ADIGE)  
MEMBER(A)

*Malimath*  
(V.S. MALIMATH)  
CHAIRMAN

skS  
1501093.