

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

C.P. No. 83 of 2001

IN

(XO)

OA No. 1012/88

New Delhi: dated, this the 31st day MAY 2001

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

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Gurmej Singh,

J-11/116,

Rajouri Garden,

New Delhi-27

.....Applicant.

(By Advocate: Shri B.K.Agarwal)

Versus

1. Shri N.Mukherjee,
Secretary,
Ministry of Urban Development,
Nirman Bhawan,
New Delhi.

2. Sh.N.Krishnamurthy,
Director General (Works),
Central Public Works Development,
Nirman Bhawan,
New Delhi.

....Respondents.

(By Advocate: Shri D.S.Mahendru)

ORDER

S.R.Adige, VC (A):

Heard applicant's counsel Shri B.K.Agarwal on C.P.No.83/2001 alleging that the statement made by respondents' counsel Shri Mahendru on 18.8.2000 that the Tribunal's order dated 23.11.93 in OA No.1012/88 had been fully complied with and the only surviving grievance related to payment of Rs.1594/- with interest thereon, on the basis of which the aforesaid CP No.85/2000 was disposed of, was wrong, false and misleading.

2. Shri B.K.Agarwal stated that the aforesaid statement had been made by Shri Mahendru without it being supported by any affidavit filed by respondents, and it is only in March, 2001 that applicant received all his arrear dues. In this connection, Shri Agarwal invited attention to applicant's own letter dated

(A)

28.3.2001 (Annexure- R- III) acknowledging receipt of various dues and stating therein that there were no other dues owned by respondents to him, but contended that applicant was put to avoidable expenditure and harassment by his having been made to file this second C.P.

3. The aforesaid submissions were made by Shri Agarwal during second call when respondents' counsel Shri Mahendru was not present, he having left after first call. Shri Mahendru appeared briefly well after the second call, by which time Shri Agarwal had already made his submissions.

4. There can be no doubt that parties should be very careful in making submissions to the Court. However, applicant would not have been required to file this second contempt petition, if his counsel had appeared on 18.8.2000 when CP No. 85/2000 was taken up, and ~~challenged~~ ^{challenged} rejected the contention made by Shri Mahendru on that date.

5. As this second contempt petition was necessitated at least in part by applicant's counsel's own non-appearance on 18.8.2000, and as applicant admittedly has received all the dues owed to him by respondents, we are not inclined to prolong the present CP any longer. However, before parting with the case, we would again reiterate the need for parties to assist the Bench properly by presenting the full, complete and factual position at all times and under ~~such~~ ^{every} circumstance.

6. With the above observations, the CP is dropped. Notices discharged.

A. VedaValli
(DR. A. VEDAVALI)

MEMBER (J)

S. R. Adige
(S. R. ADIGE)