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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

C.C.P. No. 32/1991.

in

O.A. No. 282/1988.

Date of decision: May 1, 1991.

Shri Krishan Lal ... Petitioner.

Vs.

Union of India through
Shri Rajeev Bhargav (Secretary). Respondents.
Northern Railway and Ors.

CORAM:

HON'BLE MR. JUSTICE AMITAV BANERJI, CHAIRMAN.

HON'BLE MR. I.K. RASGOTRA, MEMBER (A).

For the petitioner ... In person.

For the respondents ... Shri J.P. Verghese,
counsel with Ms.
Urmila Bendre, counsel

(Orders of the Bench delivered by Hon'ble
Mr. Justice Amitav Banerji, Chairman).

This contempt of Courts Petition (CCP) has
been filed by the petitioner, Krishan Lal who was the
applicant in O.A. 282/1988. The above O.A. was decided
by a Division Bench by its order dated 15.5.1990.

In the earlier O.A., respondents had drawn the
charges against the applicant and did not proceed against
him and they have by order dated 10.11.1983 cancelled
the Memorandum of Charges and a fresh charge-sheet was
issued, and ex parte inquiry was conducted. Ultimately,
a penalty of removal from service was imposed on the
applicant. The appeal filed by the applicant was rejected.

He filed a review petition to the general Manager,

Northern Railway, which has not been disposed of. He has prayed for quashing the penalty and for all consequential benefits. He also filed M.P.No.586/88 for condoning the delay in filing the above O.A.. The respondents admitted that the review petition had been filed by the applicant on 5.2.1987. Since it was time barred, no reply had been given. After considering the matter, the Division Bench had allowed the Misc. Petition and had disposed of the O.A. by giving following directions:

"In the circumstances, we are of the view that the interests of justice will be met by the issue of a direction to the General Manager, Northern Railways, for consideration of the review petition submitted by the applicant and to dispose of the same in accordance with law, having regard to the facts stated above."

In the present C.C.P. it is stated that the petitioner had sent copy of the judgment to the respondents and made repeated representations to them for compliance of the judgment of the Tribunal. Since the order of the Tribunal had not been complied with, he had moved the present C.C.P. to summon the respondents and punish them for deliberately committing contempt of this Tribunal and consequently direct the respondents to consider the review petition of the applicant at the earliest.

A reply to the C.C.P. has been filed by the respondents. It is stated in paragraph 6 that the review petition has been disposed of on 26.4.1991 and

copy of the same is marked as Annexure-A to the reply. The reply itself was filed on 30.4.1991. Since the review petition has been disposed of, there remained nothing further to be done and the present CCP merits to be dismissed.

A copy of the reply to the C.C.P. along with a copy of order dated 26.4.1991 was given to the petitioner who appeared in person on 30.4.1991. He was granted ^{and} time to peruse the same/make his submissions today.

The petitioner made the following four submissions:

- (i) The order of the Division Bench dated 15.5.1990 has not been considered.
- (ii) There has been an inordinate delay in disposing of the review petition.
- (iii) The order passed by the General Manager, Northern Railway is not a speaking order.
- (iv) The points raised in the review petition have not been considered.

In support of his first two submissions the petitioner stated that the order of the Division Bench of the Tribunal has not been complied within a reasonable period nor considered properly. Although the decision of the Tribunal was given on 15.5.1990, respondents have taken nearly 11 months to dispose of the review petition. The matter ought to have been disposed of within a reasonable period of time which has not been done in this case and the respondents have disobeyed the order of the Tribunal.

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Learned counsel for the respondents urged that the Division Bench had not fixed any time limit to dispose of the review petition by the General Manager. But now it has been disposed of by a written order, it does not call for any proceeding under the Contempt of Courts Act. He stated that there had been some delay but that was neither wilful nor deliberate. He further stated that the Division Bench had directed to consider the review petition and dispose of the same in accordance with law. He urged that this had been done and as such, the C.C.P. must fail.

It is true that the Division Bench had not indicated any time limit within which the review petition had to be decided. It is, however, well settled that when the orders have been passed by the Tribunal, the same should be complied within time. Merely because no time limit has been fixed, the respondents cannot cause inordinate delay to dispose of the matter. Reasonable period in such a case would be six months. Since no reply was given to the petitioner nor the review petition had been disposed of, he was forced to file the C.C.P. on 1.2.1991 and notice was issued to the respondents on 12.2.1991. It is ^{only} thereafter that the review petition was disposed of, ^{and that too,} _{only} six days ago. All this could have been avoided if the order of the Tribunal was complied within a reasonable period of time.

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It must be borne in mind by the respondents that whenever the Tribunal passes an order, it expects its compliance promptly. If no time limit is fixed, it does not behove well for the respondents to sit over the matter indefinitely. This results in compelling the employees to initiate further proceedings.

However, taking into consideration that the review petition has been disposed of, we feel that it would not be proper to proceed further in this C.C.P.

The other two submissions made by the petitioner viz. the order dated 26.4.1991 disposing of the review petition is not a speaking order and that the points raised in the review petition have not been disposed of in accordance with law.

After hearing the petitioner and learned counsel for the respondents, we are of the view that we cannot go into these questions in this C.C.P. The subject matter of the C.C.P. is the non-implementation of the order passed by the Tribunal. Directions issued by the Division Bench have been implemented as noticed above, consequently, we cannot go into the merits of the case in this C.C.P. We are further of the view that it would not be justified for making any observation about these two points in this C.C.P., for it is open to the petitioner to file a fresh D.A. against the order passed on his review petition by the General Manager, Northern Railway on 26.4.1991.

In view of the above, the C.C.P. is dismissed and notice of contempt is discharged. We further direct the parties to bear their own costs.

I.K. Rasgotra
(I.K.RASGOTRA)
MEMBER(A)
1.5.1991.

Amitav Banerji
(AMITAV BANERJI)
CHAIRMAN
1.5.1991.

SKS