

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

C.P. No. 146/95

Date of decision 6.11.1995

O.A. No. 853/89

Hon'ble Shri N.V. Krishnan, Acting Chairman

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Delhi Veterinary Association through its
Secretary Dr. R.P. Tripathi,
working as Veterinary Assistant Surgeon
r/o 8-D Delhi Administration Flats,
New Mahaveer Nagar Ext. N/Delhi-18

... Petitioner
(By Advocate Shri S.S. Tiwari)

Vs.

1. Shri G. Balakrishnan,
Secretary,
Ministry of Agriculture,
Krishi Bhawan, New Delhi.

2. Shri G. Balakrishnan,
Animal Husbandry Commissioner,
Ministry of Agriculture, Krishi Bhawan,
New Delhi.

... Respondents

(By Advocate Shri N.S. Mehta, Sr. Counsel)

ORDER (ORAL)

(Hon'ble Shri N.V. Krishnan, Acting Chairman)

We have heard the learned counsel for the parties. Learned counsel for the petitioner submits that original order was passed on 21.1.1993 and the respondents sought and ~~was~~ given additional time to implement the order on or before 30.6.1994. That was not done. This C.P. was filed on 3-7-1995. During the pendency of the C.P., respondents have complied with that order by issuing Ann.1 letter dated 4-9-95 as seen from their reply. In the circumstances, learned counsel for the petitioner only prays that he should be awarded costs.

2. Learned counsel for the respondents draws our attention to the particulars given in the reply from which it would be clear that the respondents were

V

(31)

not in a position to pass an order before 4.9.95. He, therefore, submits that no case for grant of costs has been made out.

3. We have considered the matter. The respondents were given additional time as requested till 30-6-1994 to comply with the order. If they wanted some more time, they should have approached the Tribunal and obtained a proper order. That was not done. That compelled the petitioner to file the C.P. on 3-7-1995. In other words, respondents had about one more year to comply with the order. If an order had been passed before 3-7-95, the C.P. would, perhaps, have not been filed. The filing of the C.P. resulted in passing the final order. We are of the view, that where an employee is required to approach the Tribunal merely to ensure that the respondents did pass the orders expected of them, he should be compensated.

4. In the circumstances, the applicant is awarded cost of Rs 500 (Rs Five hundred only) to be paid by the respondents within one month from the date of receipt of this order. C.P. is disposed of with the aforesaid directions.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

N.V. Krishnan
(N.V. Krishnan)
Acting Chairman

sk