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Central Administrative Tribunal
Principal Bench: New Delhi

CP 21/96
IN
OA No.2238/89 and 401/91

New Delhi this the 12th day of August 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

Sunil Kumar Sinha
S/o Late M.P.Sinha
R/o WZ-1002, Palam Village
New Delhi. ...Petitioner

Versus

1. Sh. K.Padmanabiah
Secretary
Ministry of Home Affairs
North Block
New Delhi
2. Sh. D.C.Pathak
Director
Intelligence Bureau
Ministry of Home Affairs
North Block
New Delhi. ...Respondents.

(By Sh. Madhav Panikar, Advocate)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

This CP arises out of order passed in OA No.2238/89 and OA No.401/91 and these applications were allowed giving certain directions. There was an inordinate delay in implementing the directions and finding that no steps towards implementation had been taken by the respondents, the petitioner filed this CP on 21.3.96. Notices having been received by the respondents they filed a reply statement. It was only after the notices on the CP were received that the respondents convened a review DPC and promoted the petitioner

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~~we f. 29.11.93.~~ Now we find that there is substantial compliance with the order of the Tribunal but highly belated. The reasons stated for the delay in implementation does not appear to be convincing. If there was any difficulty for the respondents to implement the directions within the time stipulated, it was open for them to approach this Tribunal and seek an enlargement of time. That was not done. Mere pendency of an SLP before the Hon'ble Supreme Court without a stay order obtained is not a ground for not implementing the directions. We would like to make it clear that when the Tribunal gives an order and directs that the same should be complied with within a specific time frame, the respondents who are bound by them cannot choose to implement it or not implement it at their own sweet will and pleasure. The respondents who are high functionariees should have borne in mind that the directions contained in the order of the Tribunal are to be complied with in letter and spirit within the time frame as stipulated in the order. However, finding that the directions have been now complied with, we do not propose to take any further action in the matter.

on Second Call
When the petition came up for hearing, Sh. B.B.Raval, learned counsel for the petitioner was not present, but after perusing the petition and the reply affidavit, we are of the considered view that there is no reason for us to proceed further with the CP, since in a contempt petition, the role of the petitioner is only to inform the Court or Tribunal

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that a contempt has been committed. Presence of the petitioner or his counsel is not unavoidable for the Tribunal for disposal of the petition.

2. In view of the fact that substantial compliance of the order has been ^{made} ~~done~~, though belatedly, we close this CP and discharge the notice issued to the respondents. However, we make it clear that if there is any further grievance of the ~~petitioner~~ ^{petitioner}, the remedy open for him is to seek redressal thereof in a separate and independent proceeding instituted by him in that behalf in accordance with law.



(K. Muthukumar)
Member (A)



(A.V. Haridasan)
Vice Chairman (J)

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