

Central Administrative Tribunal  
Principal Bench: New Delhi

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CP No.241/95  
IN  
OA No.725/90

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

New Delhi this the 23rd day of May 1996.

Shri Sarwan  
S/o Shri Ram Sahai  
Shuntman  
Northern Railway  
Shakurbasti, Delhi.

...Petitioner

(By Advocate: R.Doraiswamy with  
Sh.Sant Singh, Advocate.)

Versus

Shri A.P.S.Anand  
Divisional Railway Manager (DRM)  
Northern Railway  
State Entry Road  
New Delhi.

...Respondent.

(By Advocate: Shri P.S.Mahendru)

O R D E R (Oral)

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

The contempt petition arose out of the order in OA No. 725/90 passed on 21st July 1994. A copy of this order was admitted to have been received by the respondent in September 1994 as stated by the counsel of the respondent. The OA was disposed of with a direction to the respondent to consider the case of the petitioner for payment of arrears w.e.f. 1.8.83 till the date he was promoted within a period of 3 months from the date of receipt of a copy of that order, and to give the petitioner a speaking order. Alleging that the respondent by ignoring the above directions contained in the judgement, and not complying with the same, has exhibited a total defiance of the directions of the Tribunal and are, therefore, liable to be proceeded against under the Contempt of Court Act, the petitioner has filed this contempt petition.

2. After notice was received by the respondent, Shri A.P.S.Anand, Divisional Railway Manager, through his counsel Shri P.S.Mahendru, a reply of one Senior Divisional Personnel Officer was filed. A copy of the order dated 24.1.96 disposing of the claim of the

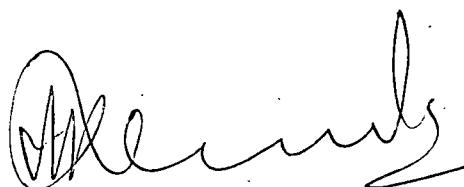
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petitioner has also been produced alongwith the reply. In the reply it has been stated that the respondent has the great regards for the Tribunal but the implementation happened to be delayed because old records were involved. As the order has since been implemented, on behalf of the respondent it is prayed that proceedings may be dropped and notice discharged.

3. We have heard Shri Doraiswamy, counsel of the petitioner and Shri P.S.Mahendru for the respondent. The respondent having received a copy of the order way back in the month of September 1994 was obliged to pass a speaking order examining the case of the petitioner for payment of arrears within a period of 3 months. That old records were involved in the case was well within the knowledge of the Tribunal as also the respondent and it is also evident from the order that the case of the petitioner from 1983 had to be considered. If the respondent felt that it would not be practicable to verify the records and to dispose of the representation within a period of 3 months, the respondent could have sought an extension of time for implementation of the order, before the time stipulated in the order ran out. This was not done. No step was taken by the respondent to implement the directions until a notice in the contempt petition was served on him. This action on the part of the respondent does not reflect a due regard and respect which his deputy in his statement said that the respondent has in his mind. The officials who are bound by the orders of the Tribunal cannot choose to implement the directions as and when they please. The respondent who is as high an officer as Additional Railway Manager should have understood that the orders of the Tribunal are to be respected and implemented fully within the time. We do not find that the respondent

had considered it necessary to implement the directions of the Tribunal in time. Since the order has now been implemented, we do not propose to inflict on the respondent any penalty, but it is not a case to be simply left at that. On account of the attitude of the respondent, the petitioner has been driven to the painful task of approaching the Tribunal with a contempt petition against his superior. Under the circumstances, instead of proceeding further with the contempt petition, we dispose of the same without framing any charge and without imposing any punishment on the respondent, but directing the respondent to pay a sum of Rs. 1000/- as cost to the petitioner. The petition is <sup>so</sup> disposed of. The cost of Rs. 1000/- shall be paid by the respondent to the petitioner within a period of one month.

R.K.Ahooja  
(R.K.Ahooja)  
Member (A)

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

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