

Central Administrative Tribunal

Principal Bench

LCP. 103/96

Ma. 137/96

in

OA 993/91

(27)

New Delhi, the 10th July, 1996.

Hon'ble Shri A.V. Haridasan, VC(J)  
Hon'ble Shri R.K. Ghooja, M(A)

Shri P.N. Lal  
B-7/60/2 DDA Flat  
Safdarjung Enclave  
New Delhi. ... applicant

vs.

Chairman,  
Telecommunication  
Dept. of Telecom.  
Sanchay Bhawan  
New Delhi. ... Respondents.  
(Adv. Sh. E. X. Joseph)

ORDER (oral)

Hon'ble Shri A.V. Haridasan, VC(J)

This LCP filed by the applicant in  
OA 993/91 alleging that the respondents have not  
complied with the order passed by the Tribunal  
on 29.2.96 in Ma 137/96 and therefore action  
under the CC Act may be taken against them.

The applicant in Ma 137/96 had alleged that

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the representation made by him in the office of the Chairman, Telecom. Commission on 16.7.90 was not disposed of by the competent authority and had prayed that the direction may be given for the disposal of the same. When the MA was heard, the ld. counsel for the respondents had given an undertaking on the basis of which the MA was disposed of with the following observations and directions.

" Sr. counsel Shri Joseph assures us that in the event that the said representation has not already been disposed of it will be placed before the Chairman, Telecom. Commission and a detailed and self-contained reply to the same will be furnished to the applicant within four weeks from the date of receipt of a copy of this order. We note this assurance and dispose of MA 137/96 accordingly."

2. It is the said undertaking according to the petitioner that has not been complied with by the respondents. Notice having been issued on the Contempt Petition Shri Joseph, ld. counsel for the respondents appeared and filed a reply affidavit. It has been sworn in the affidavit that the representation submitted by the petitioner was disposed of as early as on 13.8.95 by a speaking order, a copy of which is Annexure K-6 and that

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the same was received by petitioner also. It has been further stated that even though the representation had been disposed of as early as on 31.8.95 in lieu of the directions contained in the order dated 29.2.96, the matter was again placed before the Chairman, Telecom. Commission who held that the decision taken on 31.8.95 and communicated to the petitioner might be taken as his decision and this information may be conveyed to the petitioner. Accordingly, such decision was communicated to the petitioner by registered AD by order dt. 7.5.96. The representation having been disposed of even before the order dated 29.2.96 was passed and a further reiteration of the same was made by letter dated 7.5.96, the respondents submit that there is no violation of any of the directions warranting action under the Contempt of Court Act. On perusal of the petition, affidavit, reply affidavit and additional counter affidavit and also on hearing the petitioner who is present in person at a considerable length, we are of the view that there is nothing to indicate that the respondents have defied the order of the Tribunal. The undertakings given by the learned counsel, Shri Joseph on behalf of the respondents was that in the event the representation had not

(30)

already been disposed of it would be placed before the Chairman, Telecom. Commission and his self-contained reply would be furnished to the applicant within four weeks. As a matter of fact, the representation had already been disposed of on 31.8.95. However, a further order on the matter had been passed by the respondents. The petitioner may not be satisfied with the result; but that does not mean that the respondents have committed a contempt. If the petitioner is not satisfied by the outcome of the representation, his remedy lies in seeking appropriate relief challenging that decision and not in moving the Contempt petition. In the light of what is stated above, <sup>as</sup> the respondents have not shown any defiance of the order of the Court, we dismiss the Civil Contempt Petition and discharge the notices issued. There will be no order as to costs.

Reckon  
(H.K. Ahuja)  
Member (A)

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