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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. No.121/2005
OA No.1749/2004

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New Delhi this the 27th day of July, 2005

Hon'ble Shri V.K. Majotra, Vice Chairman (A)
Hon'ble Shri Shanker Raju, Member (J)

Naresh Kumar
S/o Shri Julfi Singh,
R/o D-7/137, Dalapur Village,
P.O. Gokulpur, Delhi-110 094.

-Applicant

(By Advocate: Shri S.N. Anand)

Versus

Shri A.K. Agnihotri,
Registrar, Customs Excise & Gold (Central)
Appellate Tribunal, West Block,
R.K. Puram, New Delhi-110066.

-Respondent

(By Advocate: Ms. Vibha D. Makhija)

ORDER

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

OA-1749/2004 was disposed of vide Tribunal's orders dated 22.7.2004

with the following observations/directions to the respondents:-

"3. Having regard to the specific instances of certain individuals, who are junior to the applicant, having been allowed to be continued by the respondents, in the process, discriminating against him, I am of the considered opinion that right course at this stage would be to dispose of this OA at the admission stage itself with a direction to the respondents to look into the matter as raised in this OA, treating the same as a representation filed by the applicant, and to dispose it of keeping in view the provisions of the DoPT Scheme on the subject as referred to by the applicant within a period of three months from the date of receipt of a copy of this order. Ordered accordingly. No costs".

2. Respondents have neither passed any orders on applicant's OA, which was to be treated as a representation within the stipulated period of three months, nor did they seek any extension of time for passing such orders. The present contempt petition was filed, as such, on behalf of the applicant on 11.3.2003. On 21.3.2005, finding that a prima-facie contempt was made out,

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notice for contempt, returnable in four weeks was issued to the respondent and case was listed on 11.5.2005, exempting personal presence of the respondent.

3. Respondent passed orders (Annexure R-6) dated 22.3.2005, rejecting applicant's representation (OA-1749/2004).

4. Learned counsel of the applicant contended that respondent Shri A.K. Agnihotri, Registrar of CEST, which is also set up for dispensing justice in certain types of matters, despite understanding the significance of imparting justice and that of implementing the directions of courts, deliberately caused inordinate delay in implementing directions of this court.

5. On the other hand, learned counsel of respondent stated that the applicant himself was responsible for the delay as he had been requesting for seeking adjournments in personal hearing granted by the respondent. These hearings were fixed for 29.10.2004, 11.1.2005, 11.2.2005 and 18.2.2005. On 18.2.2005, applicant appeared before the respondent and stated that "he is a very poor man and he does not have any other source of income, therefore, he requested that he be taken in service". On asking for any more submission on the subject he told "he should be given the service that's all".

6. After considering the material on record as also the contentions raised from both sides, we find that respondent had unnecessarily caused inordinate delay in implementing directions of this court. The direction was simply to dispose of applicant's OA as a representation. Neither the applicant had asked for any personal hearing, nor had the court directed that personal hearing be accorded to the applicant. Respondent had not sought any extension of time for implementing directions of this court. Fixing hearing time and again by the respondent, in this backdrop, was absolutely unnecessary. It has led to inordinate delay in disposal of applicant's representation. We also find that respondent has also not felt any guilt for delay in passing orders for disposal of applicant's representation. The respondent is a senior functionary in a judicial body. Yet, he did not keep in view the importance of expeditious implementation

of judicial directions. We deprecate such an attitude which led to excessive delay in passing requisite orders in implementation of judicial directions. However, now that order dated 23.5.2005 has been passed disposing of the applicant's representation, taking a lenient view, these proceedings are dropped, however, with liberty to the applicant to challenge respondents' orders dated 22.3.2005 as per law. Notice to the respondent is discharged.

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
27/7/05
(V.K. Majotra)
Vice Chairman (A)

cc.