

PRINCIPAL BENCH
NEW DELHI

CP NO. 257/2005 IN
OA NO. 1646/2004

This the 17th day of April, 2006

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)
HON'BLE MRS. CHITRA CHOPRA, MEMBER (A)

All India CPWD Office Staff
Assn. through its General Secretary
(Presently Ms. Aruna Sharma,
Office Suptdnt in PWD)
'C' Wing (GF) near Gen Room, IP Bhawan,
New Delhi-110002 & 2 others.

(By Advocate: Sh. G.K.Aggarwal)

Versus

1. Ms. P.M.Singh
Principal Secretary (PWD),
Govt. of NCTD, 5th Floor,
Player's Bldg., I.P.Estate,
New Delhi-110002.
2. Mr. B.Majumdar
Director General (Works),
Central Public works Department,
Nirman Bhawan, New Delhi-110011.

(By Advocate: Ms. Simran proxy for Mrs. Avnish Ahlawat for respondent No.1
Sh. B.S.Jain for respondent No.2)

ORDER (ORAL)

By Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)


The present petition is filed by the applicant complaining that the order of this Tribunal dated 18.1.2005 passed in OA-1646/2004 has not been fully complied with so proceeding under Contempt of Court be initiated against them.

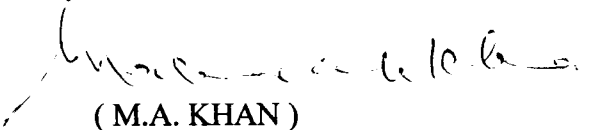
2. By the aforesaid order the respondents were directed to consider the representation of the applicant, if any, by a speaking order within a period of 3 months. The said direction has been duly complied with. There was a direction that all the medical claims pertaining to the period dated 10.3.2003 should be decided by the respondent. It is submitted at the bar by the counsel for respondent, which has not been controverted by the applicant, that all claims pertaining to the period prior to 10.3.2003 has been settled by now.

3. Counsel for applicant has submitted that letter of the respondents dated 7.9.2005 which is Annexure R-3 to reply of respondent No.2, has stated that the proposal for the reimbursement of medical claim for the period from 13.3.2003 to 31.8.2005 of the CPWD employees working under PWD has been referred to the competent authority for appropriate decision in the matter. Counsel has submitted that that decision is still awaited and a direction be given that the respondent should consider it in a time frame. Counsel for respondents has submitted that matter is under active consideration and since it involves a policy decision an appropriate decision would be taken in the matter and communicated to the concerned department.

4. As regards a direction of the Tribunal contained in para 14 of the order dated 18.1.2005, non-compliance of which is complained against in the present proceeding, nothing survives after the representation has been disposed of and the medical bills pertaining to period prior to 10.3.2003 have been settled. We are, therefore, of the view that the contempt proceeding should not be proceeded with any further. As regards the decision of the department with regard to payment of medical bills for the period from 13.3.2003 to 31.8.2005, which is pending for consideration with the Government, same is under consideration of proper authorities. The Tribunal cannot give a new direction to the respondent to take a decision on the departments proposal referred to in the letter dated 7.9.2005. The respondents are considering the proposal of CPWD appears from letter dated 7.9.2005.

5. In the circumstances above, we do not find that the contempt proceeding should be proceeded further. Proceedings are dismissed. Notices are discharged. Counsel for applicant stated that his client will seek redressal of the grievance in respect of the medical claim pertaining to the period from 13.3.2003 to 31.8.2005 in accordance with law.


(CHITRA CHOPRA)
Member (A)


(M.A. KHAN)
Vice Chairman (J)

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