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Central Administrative Tribunal
Principal Bench, New Delhi

CP-501/2004 in
OA-1031/2004

New Delhi this the 24th day of January, 2005.

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

Parmanand Lal,
R/o MS Flat No. A-6/6,
Peshwa Road, Gole Market,
New Delhi.

Petitioner

(Petitioner in person)

Versus

1. Secretary & Chairman,
Department of Telecomm.
Sanchar Bhavan,
New Delhi.

2. CGM NTR, Kidwai Bhavan,
New Delhi.

Respondents

(through Sh. R.N. Singh, Advocate)

Order (Oral)

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

Heard.

2. Hon'ble Supreme Court in Contempt Petition S Nos 177-178/2003 in C.A.

Nos. 6485-86/1998 passed the following orders:-

"The petitioner in-person has been filing repeated applications and contempt petitions. In these contempt petitions, the respondents have filed a detailed reply affidavit sworn to by Mr. A.K. Chaturvedi, Chief General Manager, Northern Telecom Region, Bharat Sanchar Nigam Limited, indicating therein the compliance with the orders passed by this Court. If the petitioner still is not satisfied with the compliance and if he has any grievance, as made clear earlier by this Court on 23rd April, 2001, it shall be open to him to agitate or make a claim before

the appropriate forum. We do not find any justification to continue with the contempt proceedings. Contempt proceedings are dropped.

The contempt petitions are, accordingly, dismissed."

3. In pursuance thereof, applicant filed OA-1031/2004 in this Court which was disposed of vide order dated 23.4.2004 with the following observation/directions to the respondents:-

"Having regard to this aspect of the matter and particularly the fact that the necessary supporting papers are already with the respondents as claimed by the applicant, the appropriate course would be to dispose of this OA at this stage itself while hearing on the point of admission with directions to the respondents to consider the matter as submitted by the applicant to them separately earlier and also consider this OA by treating the same as a representation and dispose them of by issuing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. If so requested, the respondents may also consider giving personal hearing to the applicant so that whatever papers are required to consider and dispose of the matter are made available by the applicant to the respondents."

4. Applicant has now come up with the present CP alleging that respondents have not complied with directions of this Court. Referring to respondents' order dated 23.7.2004 passed in pursuance of Tribunal's directions, applicant stated that the same is not reasoned and speaking order on his representation.

5. On the other hand respondents' counsel stated that applicant had earlier filed MA-2610/2003 in OA-173/95 which was dismissed on 12.12.2003. As such, applicant's claim for grant of interest of 12% or more on the delayed payments was rejected. Learned counsel further stated that respondents' order dated 23.7.2004 is reasoned and speaking order.

6. We have considered the respective contentions of the parties and also perused the material placed on record.

7. Hon'ble Supreme Court vide its order dated 17.10.2003 had accorded liberty to the applicant to prefer his claim before the appropriate forum. As such,

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the applicant had approached this Tribunal when his OA-1031/2004 was disposed of by orders dated 23.4.2004. Respondents in their orders dated 23.7.2004 have stated that grant of 6% rate of interest to the applicant had attained finality. In our considered view, this issue has not attained finality when the Hon'ble Supreme Court has granted liberty to the applicant as stated above.

8. Learned counsel of the respondents pointed out that applicant had not referred to respondents' order dated 23.7.2004 whereby Tribunal's directions dated 23.4.2004 are stated to have been complied with. As such, applicant had concealed an important fact from this Court and, therefore, applicant's present proceedings should be dismissed. We find that in Annexure A-4 dated 2.8.2004 appended with these proceedings, there is a mention of respondents' memorandum dated 23.7.2004. In this view of the matter, the applicant has not sinned as much as to deserve dismissal of these proceedings. The order dated 23.7.2004 passed by the respondents is certainly not reasoned and speaking one. Respondents have simply contended that the interest paid to the applicant has attained finality. This contention is not acceptable in the teeth of liberty granted to the applicant by the Hon'ble Supreme Court.

9. in the facts and circumstances of this case, we hold that order dated 23.7.2004 passed by the respondents in pursuance of Tribunal's directions dated 23.4.2004 is not reasoned and speaking order. Yet, in the interest of justice, we accord a month's time from today to the respondents to pass fresh order which should be reasoned and speaking orders in compliance of Tribunal's directions contained in order dated 23.4.2004 whereby OA-1031/2004 was disposed of. CP stands disposed of. Notices to the respondents are discharged. However, the applicant shall have liberty.

Dasti.

(S. Raju)
Shanker Raju)
Member(J)

(V.K. Majotra)
Vice-Chairman(A)

24.1.05

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