

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.2038/2021

Date of Decision: 18th March, 2021

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Prashant S/o Purushottam Samdale
Aged about 56 years, Occu:Service
R/o: House No.3, 4 & 5
Behind Saoji Hospital, Santi Road,
Darodkar Chowk, Itwari,
Nagpur - 440 002.

... Applicant

(By Advocate Shri S.S. Gate)

VERSUS

1. The Union of India
Through its Secretary
Ministry of Finance,
(Department of Financial Services)
"Jivandeep" Building,
Parliament Street, New Delhi - 110 001.

2. The Debts Recovery Appellate Tribunal
Mumbai, Through its Registrar Office
at 1st Floor, MTNL Building
Colaba Market,
Near Strand Cinema,
Mumbai - 400 005.

... Respondents

(By Advocate Shri R.G. Agrawal)

Proceeding conducted through videoconferencing with
consent of counsels for the parties

ORDER (ORAL)

Per: Ravinder Kaur, Member (J)

Present:

Advocate Shri S.S. Gate for the applicant.

Advocate Shri R.G. Agrawal for the respondents.

2. Heard both the counsels.

3. Vide order dated 20.01.2021 in OA No.2154/2020, this Tribunal had directed the respondents to dispose of the appeal dated 22/30.01.2020 (Annex A-8 therein) filed by the applicant with a reasoned and speaking order within a period of eight weeks from the date of receipt of certified copy of the order. Vide this appeal, the applicant had sought expunging of the remarks in his APAR for the years 2016-2017, 2017-2018 and 2018-2019 and also sought to grade him as Very Good.

4. It is submitted that instead of deciding his appeal in terms of the above directions, the respondents have disposed of his representation dated 21.09.2020. Hence, vide present OA, he seeks fresh direction to the respondents to dispose of his representation dated 22/30.01.2020 (which is mentioned as appeal in OA No.2154/2020) and also prays that cost be imposed upon respondent No.2 for non-compliance of the directions issued by this Tribunal in OA No.2154/2020 dated 20.01.2021.

5. From the bare perusal of the relief clause, it appears that the main grievance of the applicant is that the directions of this Tribunal in OA No.2154/2020 have not been complied with by the respondents. If it is so, the applicant was at liberty to file Contempt

Petition against the respondents instead of filing the present OA.

6. At this stage, Shri Ghatе seeks permission to withdraw the present OA with liberty to challenge the impugned order in this case dated 10.02.2021 disposing of his representation dated 21.09.2020 and to file Contempt Petition for non-compliance of the order of this Tribunal in OA No.2154/2020.

7. The Original Application is dismissed as withdrawn with liberty to the applicant to challenge the impugned order dated 10.02.2021 (Annex A-1) and to file Contempt Petition for non-compliance of the order dated 20.01.2021 in OA No.2154/2020, if he so desires. No order as to costs.

(Ravinder Kaur)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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JP
25/03/21

