

6/12/88

(3)

Hon. D.S. Misra - Am.
Hon. G.S. Sharma - Am.

Heard.

Issue notice to the respondents
to file reply/objection
against the prayer made
in the application. Fixing
16/1/89 for orders.

bz

Am.

Hon. Justice K. Nalk, V.C.
Hon. K.J. Ramani, A.M.

We have heard the
learned counsel for the parties.
By judgment dated 26.3.88 in
OA No. 106 of 1988 of the applicant
this Tribunal had directed respon-
dent no. 2, DRM, to reexamine
the applicant's case in the light
of letter dated 2.4.86 of the
General Manager (P), Delhi and to
dispose of the various representa-
tions of the applicant against
his ~~non-employment~~ non-
empanelment by passing a speaking
order within two months from the
date of receipt of the order.
According to the ~~app~~ applicant
a copy of the order was delivered
to the respondents on 13.4.88
followed by a reminder dated
18.4.88. It is said that the
respondents did not comply with the
order and, therefore, they are
liable to be punished for
committing contempt of this
Tribunal.

The respondents have
filed a counter affidavit to which
they have annexed the order dated
13.6.88 of the DRM, disposing of
the applicant's representations.
The learned counsel for the appli-
cant says that the decision
contained in Annexure III is
incorrect. If that be so, the
proper remedy is to challenge it
by means of a regular application
under Section 19 of the Administra-
tive Tribunals Act, 1985. The
respondents have recorded reasons
for the decision taken in Annexure
III. It is also clear that the

order was passed before the
expiry of the period of two
months after receipt of the
Tribunal's judgment by the
respondents.

As already said the
question whether or not the
order (Annexure III) is a
valid order, is beyond the
scope of this proceedings. It
cannot be said that by passing
the order there has been
any disobedience, much less
a deliberate disobedience
of the order of this Tribunal.
The proceedings for contempt
are, therefore, dropped.

Am.
A.M.

V.C.

15-12-89

Am.

Copy of judgment
prepared.

Am.
10-1-90