

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLA HABAD

O.A. No: 1495/92
T.A. No:

DATE OF DECISION: 10-11-94

-----I. P. Srivastava ----- PETITIONER

-----Sri A. S. Dwarker ----- ADVOCATE FOR THE
PETITIONER

VERSUS

-----U. D. T. D. others ----- RESPONDENTS

-----Sri G. P. Agarwal ----- ADVOCATE FOR THE
RESPONDENTS

COURTM

The Hon'ble Mr. K. Muthukumar A.M.

The Hon'ble Mr. J. S. Malivai I. M.

1. Whether Reporters of local papers may be allowed to see the judgement ?
2. To be referred to the Reporter or not ? Ys
3. Whether their Lordships wish to see the fair copy of the Judgement ? Ys
4. Whether to be circulated to all other Bench ?


SIGNATURE

MANISH/

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Original Application No. 1495 of 1992

This..... The Day of.....

J.P. Srivastava aged about 46 years

S/o Late Shri C.L. Khare,

R/o 32, Maharajpura, Prem Nagar, Jhansi.

..... Applicant.

By Advocate Sri A.S. Diwaker.

Versus

1. Union of India through General Manager,

Central Railway, Bombay VT.

2. Sr. D.E.N. (Central) Central Railway,

Jhansi.

3. A.D.R.M. (Central) Central Railway,

Jhansi.

4. M.V. Kelkar, C.V.I., C/o G.M. (Vigilence)

office, Central Railway, Bombay V.T.

..... Respondents.

By Advocate, Sri G.P. Agarwal.

CORAM: Hon'ble Mr. K. Muthukumar, A.M.

Hon'ble Mr. J.S. Dhaliwal, J.M.

(ORDER)

By Hon'ble Mr. K. Muthukumar, A.M.

1. This application was listed for admission on 3.11.1992 on which following order was passed as seen from the order sheet:-

" Issue notice to the alleged contemner as to why application be not admitted and as to why the contempt proceedings be not drawn on the respondents. The appellate authority viz. respondent no.3

shall appear personally on the date fixed before this Tribunal in case the appeal is not decided within time. List this case on 8.1.1993."

2. The matter was again listed before division bench on 26.11.1992 when it was ordered as follows:-

" In the order dt. 21.10.1988 there was a specific direction to dispose the case of petitioner within three months from the date of communication. It is stated by the applicant that he is compelled to move a fresh application as the earlier directions given in the judgement has not been complied with, by the respondents and it is because of this reason we have issued notice of contempt without admitting this application. This order will stand. List this case on 8.1.1993. "

3. In reply to the Tribunal's order dt. 3.11.1992 the respondents filed the Misc. Application no. 48 of 1993 stating that incompliance of this Tribunal's order dated 24.4.1992, the administration issued a letter to the applicant with a view to affording an opportunity of personal hearing as per direction of the Tribunal. The respondents also filed another affidavit on 8.1.1993 explaining the reasons for not having taken prompt action on the direction of this Tribunal dt 24.4.1992 and while submitting unconditional apology stated that as soon as the connected papers were linked by the respondents, the applicant was called for personal hearing by the letter dt. 1.12.1992 as ordered by this Tribunal. The respondents further averred that the applicant had refused to come forward for personal hearing and submitted instead a letter dt. 7.12.1992, citing reference to the filing of this D.A. No. 1495 of 1992 dt. 19.9.1992.

4. We have heard the counsel for the parties and perused the record. In view of the fact that this Tribunal has specifically directed the respondents by their order

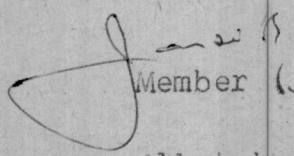
dated 3.11.1992 and 26.11.1992 while dealing with the present O.A. directing the respondents to show cause as to why the notice of contempt may not be drawn up against the respondents, we are treating the present O.A. itself as the contempt petition in the aforesaid case and we dispose the same as follows.

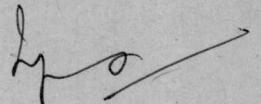
4. We find that the respondents have admitted their mistake and have explained that this was due to oversight on account of large number of court cases pending in the office of the respondent no. 2 and that prompt action could not be, therefore, taken to call the applicant for personal interview. Although the explanation of the respondents for the delay in obedience of the direction of this Tribunal is not very convincing, we are inclined to take a lenient view as there seems to be no wilful intention to disobey the direction of this Tribunal and the respondents had taken action to call the **applicant** for personal interview by their letter dated 1.12.1992. We would however observe that the respondents, who are presumably overburdened with the number of outstanding court cases as stated by them, would be advised to institute suitable monitoring mechanism in the office to take prompt and appropriate action on the orders of the Tribunal in outstanding cases, so that these would not be lost sight of, inviting contempt action in such cases in future. It is a different matter that the applicant had refused to appear on the ground that he had filed a separate application before this Tribunal. In the light of this, we feel that it would be suffice for present to direct the Appellate Authority to give a personal hearing to the applicant within a period of one month and pass speaking

order on his appeal within a period of one month thereafter and to direct the applicant to co-operate with the Appellate Authority by his personal appearance before the Appellate Authority. We direct accordingly.

5. In the light of the above, the present application treated as contempt application, is dismissed and the notices discharged, with the above directions.

6. There shall be no order as to Costs.


Member (J)


Member (A)

Allahabad: Dated: 10-11-94

am/