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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH AT ALLAHABAD.

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Contempt Petition No. 155 Of 1994

IN

O.A. No. 343 Of 1994

Dated: 3rd August, 1995.

Hon. Mr. S. Das Gupta, Member(A)

Hon. Mr. T.L. Verma, Member(J).

Ram Bihari Harijan APPLICANT.
(By Advocate Sri V.N. DHAVALIKAR)

Versus

Shri C.G. Sumaya
Controller Auditor General
and others. RESPONDENT .

(By Advocate Km. Sadhna Srivastava) .

O R D E R.

(By Hon. Mr. S. Das Gupta, Member(A))

This Contempt Application has been filed alleging non-compliance with the directions contained in the judgment and order dated 3.3.1994 by which O.A. No. 343 of 1994 was disposed of and also a direction contained in the order dated 13.5.1994 disposing^{of} a Misc. Application No. 1174 of 1994 in O.A. No. 1174 of 1994.

2. By the order dated 3.3.1994, the respondents were directed to consider the representation dated 14.10.1993 of the applicant at the earliest and if possible before the expiry of the period of his deputation i.e. 15.3.1994. Subsequently, the applicant approached this

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Tribunal against through M.P.No. 1174 of 1994 praying for a direction to the respondents to give effect to the order dated 3.3.1994. While, disposing of this M.P., the respondents were directed to consider the representation of the applicant by reasoned and speaking order within a period of one month from ~~at~~ the date of communication of this order. The applicant has alleged that although, the copy of ~~the~~ aforesaid order was sent to the respondents by registered post, the respondents have not complied with the same and have thus committed contempt of court.

3. The respondents have filed their counter affidavit in which it has been submitted that ~~the~~ representation ^{said} ~~filed~~ to be dated 14.10.1993 was considered and decided and a decision thereon was communicated to the applicant vide letter dated 9.3.1994; a copy of this letter is annexed as Annexure-C.A.1. On receipt ~~of~~ of the order of the Tribunal dated 3.3.1994, the case was thoroughly examined and it was found that action as desired in the direction had already been taken. Similarly, on receipt of the decision dated 13.5.1994 also the respondents scrutinised the case and found that no further action was pending as his application had already been disposed of. It has been further claimed that the respondents have fully complied with the direction of the Tribunal and the applicant has mis-represented the facts in the contempt application.

4. The applicant has filed a rejoinder affidavit in which it has been reiterated that the respondents have not given any reply to his representation dated

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14.10.1993, It has been stated that the reply annexed as C.A. 1 to the counter affidavit does not refer to the representation dated 14.10.1993 and thus it is proved that the respondents had failed to comply with the direction of the Tribunal in O.A. No. 343 of 1994.

5. We have heard the learned counsel for both the parties and have carefully gone through the pleadings of the case.

6. The only dispute in this case is whether the representation dated 14.10.1993 stated to have been submitted by the applicant has been disposed of by the respondents or not. The respondents have claimed that this representation was already considered and a reply was given by the letter dated 9.3.1994 and, therefore, no further action was required on the direction given by the Tribunal. This letter, nodoubt, does not indicate the date of the representation to which it is a reply. The learned counsel for the respondents, however, showed us the office record which contained the representation of the applicant which was replied by the letter dated 9.3.1993. We compared the contents of that representation with the copy of the representation stated to be dated 14.10.1993 available in the O.A. and found that the contents of both these representations are identical.

7. In view of the above, we have no manner of doubt that the respondents had already considered the representation dated 14.10.1993 and had given a reply to the applicant, Therefore, no further compliance required.

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of the direction of the Tribunal. The contempt application has no merit and is, therefore, dismissed. No order as to costs.



MEMBER (J)



MEMBER (A)

(N.U.)