

20.3.02

HON. MR. S. DAYAL, A.M.

HON. MR. A.K. BHATNAGAR, J.M.

Sri Satyajee Mukherjee, B.H. of Sri Arvind Agarwal, Counsel for the applicant.

Counsel for applicant has filed this application for wilfull disobedience of order by the respondents passed in O.A. No.997/00 on 14.9.00 by which the respondent No.5 was directed to conclude the enquiry against the applicant expeditiously within a period of four months from the date of a copy of this order was filed before him. Counsel for applicant states that he had served a copy of this order on 8.11.00 and thereafter sent a reminder dated 18.5.01. The respondents have not yet concluded the enquiry pending against the applicant. Counsel for applicant prays that notice for contempt be issued to respondent No.5.

We have considered the submission of counsel for respondents. In view of the directions of tribunal, directing the respondent No.5 to conclude enquiry within a period of four months, option was available to respondent No.5 to complete the enquiry against the applicant which had been pending since 1987. Since the respondent has not chosen to avail of the opportunity and has opted in favour of not proceeding with the enquiry.

Under the circumstances, the applicant should go to the respondent for claiming benefit on account of the situation obtaining now. There is no need to issue notice to respondent No.5 for contempt of court.


J.M.


A.M.

Asthana/
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