

19

CAT/J/13

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

C.A. NO.60/93 IN O.A. NO.134/89 AND
C.A. NO.35/94 IN O.A. NO.149/1990

DATE OF DECISION 9-3-1995

<u>Dr P.C. Goklani</u>	Petitioner
<u>Party-in-Person</u>	Advocate for the Petitioner (s)
Versus	
<u>Union of India</u>	Respondent
<u>Mr. Akil Kureshi</u>	Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. N.B. Patel, Vice Chairman.

The Hon'ble Mr. K. Ramamoorthy, Member (A)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

- 2 -

Dr. P.C. Goklani,
Medical Officer,
C.G.H.S. Dispensary,
Pragatinagar,
Ahmedabad - 380 013.

..... Applicant

(Advocate : Party-in-Person)

Versus

Union of India
Through Shri R.L. Misra or his
Substitute Secretary,
Govt. of India,
Ministry of Health & Family Welfare,
Nirman Bhavan,
New Delhi.

..... Respondent

(Advocate : Mr. Akil Kureshi)

J U D G M E N T

C.A. No.60/93 IN O.A. NO.134/1989 and

C.A. NO.35/94 IN O.A. No.149/1990

Date : 9-3-1995

Per : Hon'ble Mr. K. Ramamoorthy, Member (A)

Both the contempt applications are in respect of the same event, namely; delay in granting of and in issue of a conditional No Objection Certificate for grant of passport to the applicant.

2. When the matter was listed for hearing on 18-1-95, the applicant had not appeared in person but given an application that the matter be decided on merits on the basis of the written statements on the matter. Both the applications were, therefore, taken up for consideration.

3. From the wording of the applications, the applicant seems to have mixed up his grievance regarding the order of the Tribunal itself as contained in the two orders in O.A. Nos. 134/89 and 149/90 as also its non-compliance in the contempt applications. The draft charges attached with both the applications also indicate this confusion. He has also taken this opportunity to reiterate the grievance of the applicant in respect of the actions taken by the respondents which form subject matter of separate O.As. and are under adjudication by this Tribunal.

4. In regard to C.A. No.50/93, as stated earlier, the contention made by the applicant that the orders passed by this Tribunal in O.A. No.134/89 and O.A. No.149/90 being "not regular, non-speaking and not in keeping with the principles of natural justice", cannot form part of this contempt application as they relate to the order of this Tribunal and if the applicant had any grievance thereon, he could have agitated the matter by way of a review application which he has not done. The only point of contempt which seems to arise from this particular application is the point made in para 7 that even though the applicant had made an application in prescribed proforma on 17-12-1992, no reply had been received though the Tribunal had in disposing of another contempt application No.52/91 stated that if the applicant makes a representation in this behalf, it should be considered by the respondents. The respondents have made an averment that further permission for extending 15 days to 45 days was given by order of 12-11-92 in response to the order of the

- 4 -

Tribunal dated 10-8-92. This was conveyed by speed post. The respondents were not aware of the fact that this order had not reached the applicant as there was no further communication from the applicant. When the applicant contended before the Tribunal that the order dated 12-11-92 was never served on him, which contention was brought to the notice of the respondents by the Additional Central Govt. Counsel vide his letter dated 22-4-94, the matter was enquired into and another copy was sent to the applicant on 10-5-94.


5. In the contempt application of 35-94 also, the applicant has taken the occasion to reiterate the grievance he had against the respondents which form subject matter of separate applications. In any case, the Tribunal in its order of 29-10-90 has directed the respondents to issue a No Objection Certificate to the petitioner within a period of three months and it is seen that this No Objection Certificate was thereafter issued on 22-2-91 precisely in pursuance to the directions of this Tribunal. It is true that certain conditions were attached to this order. The applicant had challenged the said conditions. However, this had also been disposed of by an order of the Tribunal stating that the respondents had a right to attach any conditions.

6. To recapitulate, in respect of the issues involved in the present two C.As., it will be seen that there has been no wilful disobedience in complying with the orders contained in O.A. Nos. 134/89 and 149/90 which

- 5 -

pertain respectively to issues relating (1) to the question of deciding "the question of No Objection Certificate within three weeks from the date of order" including giving a speaking order if "such a certificate is with-held" and (2) the directions "to issue a No Objection Certificate within a period of three months from the date of this order subject to such conditions that they may see fit to impose". Formal No Objection Certificate was issued vide Govt. of India's letter Nos.F20015/6/87-CHS.II dated 22nd February, 1991 and F20015/6/87-CHS.I/II dated 17th November, 1992.

7. In view of the above, the contempt notices are discharged. No order as to costs.


(K. Ramamoorthy)
Member (A)


(N.B. Patel)
Vice Chairman

kvr

Date	Office Report	ORDER
30.6.1994.		<p>At the request of the applicant on the ground of his sickness, adjourned to 14.7.1994.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>ait.</p>
14-7-94		<p>Adjourned to 28-7-1994.</p> <p>(V.Radhakrishnan) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>vtc.</p>
28-7-94		<p>The applicant is not present. Adjourned to 8-8-1994.</p> <p>(V.Radhakrishnan) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>vtc.</p>
8/8/94	<p>Notice issued on 10/8/94. RPAD awaiting.</p> <p>9/9</p>	<p>Notice for preliminary hearing on the respondents returnable on 12.9.1994.</p> <p>(V.Radhakrishnan) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p> <p>aab</p>

(24)

Date	Office Report	ORDER
12-9-94	<p><i>Reple not filed</i></p> <p><i>30/9</i></p>	<p>xxxx</p> <p>Adjourned to 3-10-1994, at the request of Mr. Kureshi for filing reply.</p> <p><i>[Signature]</i> (V. Radhakrishnan) Member (A)</p> <p><i>[Signature]</i> (N.B. Patel) Vice Chairman</p>
3.10.94		<p>*ssh</p> <p>Adjourned to 4.10.94 at the request of Mr. Kureshi, for filing reply.</p> <p><i>[Signature]</i> (V. Radhakrishnan) Member (A)</p> <p><i>[Signature]</i> (N.B. Patel) Vice Chairman</p>
4-10-94		<p>npm</p> <p>Time being over, adjourned to 18-10-1994.</p> <p><i>[Signature]</i> (V. Radhakrishnan) Member (A)</p> <p><i>[Signature]</i> (N.B. Patel) Vice Chairman</p>
18.10.94		<p>ivtc. for select</p> <p>The applicant is not present.</p> <p>Adjourned to 31.10.94.</p> <p><i>[Signature]</i> (K. Ramamoorthy) Member (A)</p> <p><i>[Signature]</i> (N.B. Patel) Vice Chairman</p> <p>npm</p>

Date	Office Report	ORDER
31.10.94		<p>The other Hon'ble Member being not present, adjourned to 28.11.1994</p> <p style="text-align: right;">(N.B. Patel) Vice Chairman</p> <p>sr</p>
28.11.94		<p>Sick note filed by Dr.P.C.Goklani, party-in-person. Adjourned to 18.1.1995.</p> <p style="text-align: right;">(K. Ramamoorthy) Member (A)</p> <p>npm</p>
18/1/95		<p>Sick note filed by the applicant. Adjourned to 13/2/95.</p> <p style="text-align: right;">(K. Ramamoorthy) Member (A)</p> <p style="text-align: right;">(N.B. Patel) Vice Chairman</p> <p>ss</p>
13/2/95		<p>Applicant has filed pursis. Reserved for judgment.</p> <p style="text-align: right;">(K. Ramamoorthy) Member (A)</p> <p style="text-align: right;">(N.B. Patel) Vice Chairman</p> <p>ssh*</p>

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Sd/-

(K.RAMAMOORTHY)
MEMBER(A)

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(N.B.PATEL)
VICE CHAIRMAN

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27

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26
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