

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Civil Contempt Petition No.47/2005
In
Original Application No.338/2004
This 01st the day of August 2007

**HON'BLE MR. N.D. DAYAL, MEMBER (A)
HON'BLE MR. M. KANTHAIAH, MEMBER (J)**

Madan Lal Bhardwaj, aged about 53 years, son of Late Sri Sita Ram, resident of Qr. No.80-87, Type-III, Aaakasnha Parisar, Jankipuram, Lucknow.

...Applicant.

By Advocate: Shri R.C. Saxena.

Versus.

1. Ms. Neena Ranjan, Secretary, Ministry of Culture, Shastri Bhawan, New Delhi.
2. Sri A.K. Singh, Director (Culture), Ministry of Culture, Shastri Bhawan, Room No.321 C, New Delhi.
3. Dr. Tej Singh, Project Officer and Director Incharge, National Research Laboratory for Conservation of Cultural Property, Aliganj, Lucknow.
4. Sri Badal Kumar Dass, Secretary Ministry of Culture , Shastri Bhawan, New Delhi.

By Advocate: Shri K.D. Nag.

ORDER

BY HON'BLE MR. N.D. DAYAL, MEMBER (A).

Learned counsel for the applicant has submitted that in the order passed by the Tribunal dated 1.10.2004 at Para-13 in the operative part there is a mention of both Competent authority as well as Respondent No.2 for compliance of the directions. Learned counsel for the respondents has brought to our notice that in accordance with the directions of the Tribunal, the representation against the order of 'diesnon' by Director-In-charge at Lucknow has been considered in the Department of Culture at New Delhi, which is higher formation and

therefore, it cannot be said that the competent authority has not decided the matter as per the directions of the Tribunal.

2. Learned counsel for the applicant states that Respondent No.2 in the OA was the Director Incharge, Lucknow and therefore, representation against his own order of 'diesnon' could not have been directed to be disposed of by the same officer. It is noticed that the directions of the Tribunal are dated 1.10.2004. Admittedly, no review had been filed to point out any error on the face of the record. As pointed out by the learned counsel for the respondents, it is well settled that the court shall not go into the merits, while taking a view in the C.C.P. Learned counsel for the applicant states that he may be granted liberty to file an application under Rule-24 of the C.A.T. (Procedure) Rules, 1987.

3. The C.C.P. is disposed of with liberty to the applicant as prayed above. Notices are discharged.


(M. KANTHAIAH)
MEMBER (J)

/amit/

1.8.07


(N.D. DAYAL)
MEMBER (A)