

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

CCPA - 23 of 1999

(Arising out of OA No. 484 of 1996)

DATE OF ORDER : 14.02.2000

Madan Ram

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Applicant

Vs.

Shri S. Ram Nathan and 2 others Respondents.

Counsel for the applicant : Shri M.P. Dixit.

Counsel for the respondents: Shri Gautam Bose.

C O R A M

Hon'ble Mr. Justice S. Narayan, Vice-Chairman

Hon'ble Mr. L. Hmingliana, Member (A).

O R D E R

(Dictated in Court)

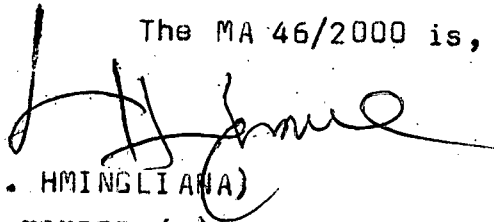
Justice S. Narayan, V.C.:- Heard learned counsel appearing on either side. This CCPA is sought to be initiated against respondents railway authorities for alleged non-compliance of our order dated 03.02.1999 passed in OA 484/96. By the said order, the respondents had been directed to conclude the departmental proceedings within a period of three months from the date of receipt of copy of that order.

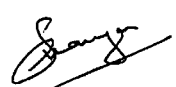
2. True it was that there has been delay in concluding the departmental proceedings, and the time schedule, as suggested in our earlier order, has not been maintained. But in our considered opinion, this alone would not necessarily be sufficient so as to initiate contempt proceedings. The time schedule given in our earlier order was, of course, required to be maintained, but of course, a pragmatic view has to be taken in such matters. We are not in favour of observing that whatever has been done beyond the time schedule would not be deemed to be in accordance with law, and the authorities concerned are likely to be held up in contempt proceedings. We

have a list of dates furnished by the counsel for the respondents, which does indicate that the delay, if any, has occurred by some intervening circumstances beyond the control of the railway authority. If some persons were to be blamed for the delay, we cannot exclude the applicant from there. In any view of the matter, an element of wilful and deliberate disobedience is wanting in the instant case. On the contrary, we find that the disciplinary proceeding has since been concluded with certain result, as indicated to us through a confidential letter dated 7.2.2000.

3. For the reasons, aforesaid, we do not choose to initiate contempt proceedings, and as such, this CCPA is dismissed.

4. The MA 46/2000 is, accordingly, disposed of.


(L. HMINGLIANA)
MEMBER (A)


(S. NARAYAN)
VICE-CHAIRMAN

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