

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.**

**CCPA No. 28 of 2006
[In OA No. 666/2005**

Date of order : 7.6.07

C O R A M

**HON'BLE MS. SADHNA SRIVASTAVA, MEMBER [JUDICIAL]
HON'BLE MR. AMIT KUSHARI, MEMBER [ADMINISTRATIVE]**

Damodar Singh, (Superintendent, Central Excise, Compulsory retired), Son of Shri Kapil Deo Singh, Resident of 21, Draupadi Apartment (behind J.D. Women's College) P.O. + P.S. -Shastri Nagar, District-Patna, Pin Code- 800023.

..... Applicant.

- By Advocate Shri M.P. Dixit.

-Versus -

Shri K.M. Chandra Shekhar, Secretary (Revenue), Ministry of Finance, Department of Revenue, North Block, New Delhi- 110001.

..... Respondent.

- By Advocate Shri R.K. Choubey.

O R D E R

Per Ms. Sadhna Srivastava, Member(J):- This CP has been filed for non-compliance of the order dated 06.10.2005 recorded in OA No. 666/2005 whereby this Tribunal has directed the concerned respondents to



decide the pending appeal filed by the applicant against the order of compulsory retirement.

2. The respondents have filed MA No. 207 of 2006, MA 425/2006, MA 611/06 and MA 613/06 for extension of time to comply the order passed by this Tribunal. In all the MAs it has been stated by the respondents that the matter was referred to UPSC for their advise as well as DOPT. After receipt of DOPT note dated 6.2.2007, the appeal filed by the applicant has been decided by the authority on 13.02.2007. It is stated in the show cause reply that the delay in compliance of the direction given by the Tribunal was neither wilful nor intentional. However, they have tendered unqualified apology before this Tribunal.

3. We have no hesitation to observe that the order dated 06.10.2005 passed in OA 666/2005 has not been complied with within time. However, the fact remains that the respondents have not been sleeping over the matter. There were some constraints for the respondents. The order in appeal could not be passed without consultation with the UPSC. Therefore, they were constantly informing the Tribunal about the delay caused on their part and , the reason therefor. In the circumstances, we are of the opinion that reasonable view should be taken to the effect that there being no deliberate negligence or deliberate disobedience on the part of the respondents, no case for contempt is made out. The CCPA is

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dismissed. Notices issued stand discharged.

[Amit Kushari]
Member(A)

Kabi

Sadhna Srivastava
[Ms. Sadhna Srivastava]
Member(J)