

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

C.P. 78/2001 in
ORIGINAL APPLICATION NO:283/96

TRIBUNAL'S ORDER

DATED:5.10.2001

Shri K.B. Talreja counsel for the applicant. Shri R.R. Shetty counsel for the alleged contemner.

2. We have heard both counsel. Written statement have been filed by Shri Rahul Mittal, Deputy Mechanical Engineer alleged contemner No.2. The order made in the OA was to the effect that the applicant was given liberty to file fresh grounds in his appeal against the penalty order dated 21.2.1995. Directions were issued to the Appellate Authority to decide the matter on merits after giving personal hearing to the applicant. The learned counsel for the applicant submitted that certain documents were not provided.

3. Upon considering argument of both sides and on persuing the papers we find that the directions made in the OA have been implemented. The ground of non-supply of the documents was taken up by the original applicant in the representation which in fact is comprehensive representation. A second representation in additon is also made. The arguments made regarding non supply of documents amounts to re-opening of the OA on merits, which we cannot do in a C.P.

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5. While we express our unhappyness at the time taken for implementation of orders in OA, we accept the apology in this regard. Hence no wilful disobedience has occurred.

6. We discharge the notice on C.P. The C.P. is rejected.

S.L.Jain
(S.L.Jain)
Member(J)
NS

B.Bahadur
(B.N.Bahadur)
Member(A)

MS/10101
order matched
to App. Agent (s)
⑥ on 8/11/01
M