

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Contempt Petition No.32/2002
in
Original Application No.268/2000.

Dated this Thursday the 31st Day of May, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Smt. Shanta Shastri, Member (Administrative).

Mahadev V. Kamble. .. Applicant.

(By Advocate Shri J.M. Tanpure)

Versus

1. Shri Yogendra Narayan,
The Secretary,
Ministry of Defence,
South Block, New Delhi - 110 001.

2. Shri D.C. Pande,
The Commandant,
Ordnance Depot Fort,
Allahabad.

.. Contemners.

(By Advocate Shri R.R. Shetty).

Order on Contempt Petition (Oral)
{ Per : Justice Birendra Dikshit, Vice Chairman }

Learned counsel for applicant has argued that Contemnor-Respondent are liable to be punished for non compliance of the directions dated 14.3.2001. A reply has been filed wherein it has been stated that the claim of the applicant has been considered and the department has rejected it.

2. This being the position, the learned counsel for applicant has argued that as the applicant conceded about relief regarding ex-gratia payment in O.A., which stands incorporated in order, therefore, it was not open for
B. Shetty

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Respondents to reject the claim of applicant on merits. We do not agree with the arguments advanced. The directions of the Learned Single Member was that "the applicant is at liberty to make an Application for ex-gratia payment within a period of 3 months from today. Such application shall be disposed of by the Respondents on merits as early as possible, and, in any case, not later than 3 ^{months} ~~months~~ after receipt of the Application".

3. In view of aforesaid direction, the application was to be considered on merits. It was open for Respondents to reject the claim while examining on merit. There is no question in such circumstance of wilful disobedience of the order passed in O.A.

4. The other aspect argued by Counsel for applicant is that the orders was not passed within 3 months. The argument is that there is delay of more than 3 months in passing of orders and therefore also respondents are liable. As the order has been passed on merit on the application, we do not consider it a fit case to ^{continue} ~~draw~~ proceedings for wilful disobedience of order of this Tribunal merely because the order was not passed within 3

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months. This Tribunal is not supposed to go into such technicality when in substance, the order stands complied.

5. For aforesaid reasons, the Contempt Petition is dismissed, notice is discharged and contempt proceedings are dropped. No costs.

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(Smt.Shanta Shastry)
Member (A)

B. Dikshit

(Birendra Dikshit)
Vice Chairman.

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dt: 31.5.2002
order/Judgement despatched
to Applicant/Respondent (s)
on 11.6.2002

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