

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P.No.38/2002
in
O.A.No.882/2001.

Dated this Friday the 3rd Day of May, 2002.

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

Anwarali Devjibhai Virani. Petitioner.
(By Advocate Shri S.P. Kulkarni)

Versus

1. Shri I.C. Shrivastav,
Prime General Manager (D),
and I/C. Chief General Manager
(Telecom), Office of the
Chief General Manager (Telecom),
Mahanagar Telephone Nigam Ltd.,
V.S. Marg, Dadar (West),
At P.O. Mumbai-400028. Contemner
(at first
instance)
2. Shri C.V. Rajan,
Member (Services),
Telecom Commission,
Department of Telecommunications,
Sanchar Bhavan,
At Post New Delhi - 110 001. Contemner
No.2.

(By Advocate Shri K.R. Yelwe holding
brief of Shri V.S. Masurkar).

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

We have heard counsel for applicant. Counsel for
applicant submitted that the order dated 18.12.2001
passed by this Tribunal has been wilfully respondents
dis-obeyed. Today it has been pointed out to us that
order has been complied on 6.4.2002.
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2. Learned counsel for applicant has argued that 30 days time was granted to contemner-respondent to dispose of the appeal which he did not dispose within the time allowed. The appeal has been disposed of after a period of 3 1/2 months. He has produced a copy of the order. The order stands complied with. It is a matter in which we do not consider it proper to proceed any further merely because the disposal of appeal was delayed by 2 1/2 months, especially when no prejudice is shown to us.

3. The learned counsel has cited summary of cases from Swamy's News of February, 2002: Ranjit Kumar Dey and others Vs. Secretary, Ministry of Information & Broadcasting and others, decided on 17.4.2001 (Kolkata Bench) in C.P.C.No.65/2000 arising out of order passed in O.A.1238/98. He has contended that as the copy of the order was received by Counsel for respondents, therefore, respondents having deemed notice are to be punished for contempt. As we have already observed that the respondents have complied with the order and we do not consider it necessary to proceed any further in the matter, we are not proceeding with the matter any further when even notice has not been issued. For aforesaid reasons, C.P. is dismissed.

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4. It has been pointed out to us while hearing Contempt Petition that 2 MPs have been moved for extension of time to comply with the order. These MPs were filed before compliance of order. As the order has been complied with, the MPs are infructuous and are disposed of accordingly.

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(Smt. Shanta Shastry)
Member (A)

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(Birendra Dikshit)
Vice Chairman.

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Dtd: 3.5.2002.
Order/Judgement despatched
to Applicant/Respondent(s)
on 3.6.2002

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