

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

CONTEMPT PETITION NO: 24/2002 IN
ORIGINAL APPLICATION NO: 1397/94

CORAM: Hon'ble Shri B.N. Bahadur Member (A)

Hon'ble Shri S.L. Jain, Member (J)

1. J.F. Khan
2. A.V. Thale
3. P.B. Pande
4. K.M. Patil. ...Applicants

By Advocate Shri G.S. Walia

v/s

1. Shri P.K. Saxena
Chief Engineer (Const.)
Metro Transport Projects
(Railways) 7th floor,
New Admn. Office Bldg.
D.N. Road, CSTM, Mumbai

2. Shri C.B. Saxena
Executive Engineer
Metro Transport Projects
(Railways) Mankhurd
Station Building, Mumbai.

...Respondents.

By Advocate Shri S.C. Dhawan

TRIBUNAL'S ORDER ON CONTEMPT PETITION

DATED: 28.11.2002

{Per S.L. Jain, Member (J)}

The applicants have filed C.P. 24/2002 in respect of an order passed in OA 1397/94 dated 28.9.2001.

2. We have heard the learned counsel for the applicant as well as respondents and perused the replied filed by the respondents. In view of the order passed in OA 1397/94 on 28.9.2001 the Tribunal has directed the respondents to supply copies of documents asked for by the applicants vide their letter dated 4.1.1993 within a period of 30 days from the date of receipt of the copy of the above order. The respondents have

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failed to comply with the same. The respondents in their reply in para 4 (v) stated that respondents's office searched for the said papers at Churchgate from where the MTP(R) office was shifted in January 2001 to CSTM and where some old records are still lying. However, these documents were not available even at that place. The said documents are also not available in the office of SPO MTP (R).

3. We have to arrive to the finding that whether it is wilful dis-obedience on the part of the respondents. To arrive to the said finding when the documents are not available and it is not a case where such instance may not take place in shifting of the office, We find that this is not a case of wilful dis-obedience. We observe that the applicants are at liberty to adduce secondary evidence in respect of the said documents.

4. The learned counsel for the applicant Shri G.S. Walia stated that one months time be provided for adducing secondary evidence and to make representation within the same period, which is allowed.

4. In the result C.P. is dismissed. Notice issued to the respondents are discharged.

S.L.Jain

(S.L. Jain)
Member (J)

B.N.Bahadur

(B.N. Bahadur)
Member (A)

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