

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P. NO.: 5/2001 IN O.A. NO.: 1018/95.

Dated this Friday, the 15th day of June, 2001.

CORAM : Hon'ble Shri Justice B. Dikshit, Vice-Chairman.

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

P. L. Khanna ... Petitioner
(Original Applicant)
(By Advocate Shri G. S. Walia)

VERSUS

Shri Rajendra Nath, ... Proposed Contemnor
General Manager, (Original Respondent)
Central Railway or
his successor in Office.

(By Advocate Shri M. I. Sethna
alongwith Shri S. C. Dhavan).

TRIBUNAL'S ORDER

There appears prima-facie unreasonable delay on the part of the Respondents in implementing the order. Besides General Manager of the Central Railway, the Union of India through Railway Board has also to explain the delay. This has become necessary as the Counsel for Respondents argued that the General Manager has done whatever was possible for him and the matter was placed before the Railway Board. The General Manager in his affidavit has said that he and the Railway Board have taken steps to implement the order. Without expressing any opinion at this

B. Dikshit

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stage, we would like to issue suo-moto notice to show cause to the Secretary of Railway Board as to why and how the order could not be implemented within a reasonable time and to satisfy us that inaction has not been within the ambit of "wilful disobedience."

2. The Counsel for Respondents contended that Secretary Board be not summoned. He has pointed out that the matter has been referred to the Union Public Service Commission for convening the Review D.P.C., which has been done. How and why the delay has occurred is a matter on which an explanation from the Secretary of the Railway Board has become necessary.

3. For the reasons aforesaid, we direct Shri R. K. Singh, Secretary, Railway Board, New Delhi to be personally present with relevant record on 03.07.2001. Office will issue necessary notice to Shri R. K. Singh, Secretary, Railway Board, New Delhi.

4. Counsel for Applicant has filed a reply today to the affidavit filed by Rajendra Nath. Counsel for respondents prays that he should be permitted to file reply to the said affidavit filed on behalf of applicant. Respondents may file reply to the affidavit by 02.07.2001. In case the General Manager files reply on affidavit to the reply filed by the applicant, then he need not be present on the next date.

B. N. Bahadur

(B. N. BAHADUR)
MEMBER (A).

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(B. DIKSHIT)
VICE-CHAIRMAN.

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