

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG. NO. 6, 4TH FLR, PRESCOT RD, FORT,

MUMBAI - 400 001.

C.P.No.12/97 in O.A. No. 1043/95.

DATED THE 11TH DAY OF SEPTEMBER, 1998.

TRIBUNAL'S ORDER:

1. Shri H.T. Ameta for Applicant and Shri V.S. Masurkar for Respondents.

CP-12/97 is a petition for contempt filed by original applicant on the ground that respondents have not passed speaking order in terms of the order dated 26/2/96 in OA.No.1043/95. The respondents have filed reply. We have heard learned counsels appearing on both sides.

2. It is now brought to our notice that respondents have since passed speaking order dated 24/9/97 rejecting the claim of the applicant. Therefore, the order of Tribunal has been complied with but belatedly. The respondent, Shri R.K. Sareen, Divisional Railway Manager has filed an affidavit giving some circumstances for delay and ^{he} have even tendered unconditional apology for delay in implementing the order of the Tribunal. ^{There is} ~~He has~~ nothing to show that the/disposal/passing of a speaking order was ~~not~~ intentional or ~~had~~ delayed the matter unnecessarily. Normally, some delay occurs in administration due to ~~administrative~~ work exigencies. In view of the fact that such a senior Officer has tendered unconditional apology and there is nothing to show wilful disobedience on the part of respondents, we feel no action is called for on CP-12/97.

3. As far as grievance of the application regarding rejection of claim is concerned, it is a matter which cannot be decided by way of contempt. It is a matter for which the applicant will have to take appropriate legal steps



according to law.

4. In the result, for the reasons stated above,
CP-12/97 is disposed of with no orders as to costs.

~~D.S.BAWEJA~~
(D.S.BAWEJA)
MEMBER(A)

abp.

R.G.Vaidyanatha
(R.G.VAIDYANATHA)
VICE CHAIRMAN

order/s of 11/9/98
to Applicant/Respondent(s)
on 22/9/98

8/9/98