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CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

C.P. 36/2001 in  
ORIGINAL APPLICATION NO:48/95

TRIBUNAL'S ORDER

DATED:3.8.2001

Shri G.K. Masand learned counsel for the applicant. Smt. H.P. Shah learned counsel for the respondents.

2. On 3.1.2000 this Tribunal while deciding OA 48/95 allowed the OA. The operative portion of the order is as under:

In the result the OA is allowed, the report of the Inquiry Officer and orders of the Disciplinary Authority, Appellate Authority dated 18.12.1996, 31.3.1993 and 10.12.1993 respectively deserve to be quashed and set aside and are quashed and set aside. The respondents are ordered to reinstate the applicant as Postman within a period of 3 months from the date of receipt of the copy of the order will all consequential benefits. No order as to costs.

3. Despite the specific order Shri N.S. Katti, respondent No.3 did not implemented the order during his tenure. The learned counsel for the respondents states that Shri N.S. Katti has retired on 30.4.2001 by which time the time granted by this Tribunal did not expire.



4. This C.P. has been filed on 3.5.2001. The learned counsel for the respondents contended that the respondents were waiting the out-come of the Writ Petition filed in the High Court. The

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learned counsel for the respondents further argued that after dismissal of Writ Petition on 23.7.2001 the order stands complied with.

5.....It is a serious matter where the officer of respondent department have committed gross contempt by not implementing the order within the time granted. Admittedly, there were no interim order passed by the Hon'ble High Court, therefore there is no justification for respondents for not giving effect and complying the order. However, according to the learned counsel for the respondents the order stands complied with and the officer Shri M.A. Pathan, Senior Superintendent of Post, Solapur Division is present before the Court and tendered apology. We do not consider it necessary to punish any officer of respondent department as we are informed that on retirement of one officer, another took over and then again another officer has been posted in May 2001. Considering all these aspects we discharge the notice and drop the proceedings, but the applicant has been made to run to this Court for implementation of the order and therefore we award Rs. 2000/- as cost payable to applicant. Respondents are directed to pay Rs. 2000/- as costs to the applicant within a period of three months from today. It

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will be open to respondent Nos 1 to 3 to fix the responsibility and recover the cost which is being awarded from the officer, if it so desire. C.P. is disposed of.

*MP*

(M.P. Singh)  
Member(A)

*B. Dikshit*

(B. Dikshit)  
Vice Chairman

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03/8/01  
order,                      despatched  
to Applicant/Respondent(s)  
on 17/8/01

*MP*