

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CONTEMPT PETITION NO.7 of 1997

IN

ORIGINAL APPLICATION NO.369/1996

DATE OF ORDER : 09-01-1997.

Between :-

S.Narsing Rao

... Petitioner

And

1. RUS Prasad, Secretary,
Ministry of Communications &
Director General of Posts,
rep. the Union of India, New Delhi.
2. Sri B.Srinivasan,
Chief Post Master General,
AP Circle, Hyd.

... Respondents

Counsel for the Petitioner : Shri B.S.A.Satyanarayana

Counsel for the Respondents : Shri V.Rajeshwar Rao, Addl.CGSC

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (A)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)) .

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The applicant had filed this C.P. for non implementation
judgement in
of the order in OA 369/96. In the OA a direction was given to Respondent No.2 to dispose of the representation after taking due note of the principle laid down in OA 481/92 and to give a speaking order to the applicant. In obedience to that direction, the respondents issued O.M. 2-108/96 P.A.R. dt.17-9-96 (Annexure A-3) to the Contempt Petition)

2. The main contention of the applicant in this C.P. is that the order in the Respondent No.2 was required to dispose of the representation taking note to the principle laid down in OA 481/92 and in reply there is no mention in regard to the principle laid down in OA 481/92. Hence the applicant submits that the office memorandum dt.17-9-96 is not a compliance report of the direction given by the Tribunal.

3. We have gone through the OM dt.17-9-96. In the OM it is stated that the respondents have gone through the orders passed by the Tribunal in O.A. and examined the issue in the light of the directions given thereof. That would imply that they have taken note of the principle laid down in OA 481/92 also. We do not consider that if the respondents specifically mention in the O.M. that the principle laid down in OA 481/92 is also taken into account, then only the O.M. is valid. In our opinion, such remarks in the OM may not be necessary in view of the fact that they have noted the direction given in OA 369/96. In that view we find that the

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respondents have complied with the direction given in the OA.

However, the applicant may not be satisfied with the reply given,

In that case the remedy left is to challenge the reply i.e. the OM dt.17-9-96 on valid grounds and if such a challenge is made the other issues will be considered in that fresh O.A.

4. In view of what is stated above, the C.P. is closed but liberty is given to the applicant to challenge the O.M. dt.17-9-96. No order as to costs.

~~D.G.JAI PARAMESHWAR)~~
Member (J)

(R. RANGARAJAN)
Member (A)

Dated: 09th January, 1997.
Dictated in Open Court.

D4. Registration(3)

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Copy to:-

1. The Secretary, Ministry of Communications & Director General of Posts, Union of India, New Delhi.
2. One copy to Sri. B.S.A.Satyanarayana, advocate, CAT, Hyd.
3. One copy to Sri. V.Rajeshwar Rao, Addl. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One copy to Hon'ble Mr. B.S.Jai Parameshwar, J.M. CAT, Hyd.
6. One spare copy.

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