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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.P. NO. 67 OF 1998

IN

O.A. NO. 105 OF 1997

DATE OF ORDER : 23-6-1998

BETWEEN :

B. Solomon ... Applicant

AND

Shri S.K. Basu
Addl. Surveyor General,
Southern Zone,
Sarjapur Road
Koramangala II Block
Bangalore 560 034. ... Respondent

Counsel for the Applicant : Ms S. Thripurasundari

Counsel for the Respondent : Shri N.R. Devaraj

CORAM :

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

The Hon'ble Shri B.S. Jai Parameshwar, Member (J)

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

Heard Shri Thiruvenkadachari for Ms Thripurasundari for the Applicant and Shri N.R. Devaraj for the Respondents.

O.A 105/97 was disposed of by an order dated 25-11-1997. The operative portion of the order is given below :

In order to make his case clear, the Applicant should submit a detailed representation including

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the contentions, if any, raised in this O.A., if he so desires, to the Respondent No. 3 within a period of 45 days from the date of receipt of a copy of this order. If such a representation is received within the stipulated time, then the Respondent No. 3 should dispose of the representation expeditiously taking into consideration all the grievances mentioned by the Applicant in the representation according to law and in any case within three months from the date of receipt of a copy of this judgement.

It is stated that the Applicant has filed a representation. The representation should have been disposed of within 3 months from the date of issue of the judgement i.e., 25-11-1997. That means that the representation should have been disposed of by the end of February, 1998. But the representation was disposed of by letter No. C-205-S/11-K(OA 41/105) dated 25th May, 1998.

The Learned Counsel for the Applicant in the C.P. attributes mala fide in not issuing this letter in time. He also submits that this Tribunal's order to dispose of the representation within 3 months from the date of receipt of a copy of the judgement has not been complied at all and hence the Respondent is liable for contempt.

A Contempt Petition arises only if it is not implemented. If the Applicant is not satisfied with the reply given, his remedy does not lie in filing a Contempt

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Petition. His remedy lies in challenging that reply given, in accordance with rules. It is stated that the Applicant had already filed an O.A. challenging the reply given to him by letter dated 25-5-1998. That O.A will be considered on merit as and when it is heard. Hence, the question of attributing mala fide, etc. for filing this C.P. does not arise. The only point to be considered here is whether the reply was given in time as directed by the Tribunal in the judgement referred to above.

It is an admitted fact that the reply was given belatedly. The Learned Counsel for the Respondent submits that he was already given a reply on 16-1-1998, which is enclosed as Annexure I. He also submits that a reply vide Annexure II was also given to him. We have gone through those replies. These replies in our opinion do not fulfil the direction given in the judgement. If the Applicant uses any improper language, there are ways and means for the Respondents to set right the Applicant for using improper language. That does not mean that the reply to the Applicant should be delayed. We have seen the replies. The replies no doubt have been delayed. The Respondents are responsible for the ~~delay in~~ ^{length} filing the reply. But we find that the direction of this Tribunal had been substantially complied with by the Respondents though the reply was belated. Hence, we do not see that the Respondents have to be taken up for contempt of court. What is required is that the ~~Applicant~~ ^{Respondent} should be careful enough in future so as to ensure that the directions given by this Tribunal is implemented in time, without delay. In view of the above the C.P. is closed, ~~with~~ cautioning the Respondents to be more careful

in future in disposing of the representation within the
stipulated time as directed in the judgement. No costs.

(B.S. Jai Parameshwar)
Member (J)

23-6-98

(R. Rangarajan)
Member (A)

DICTATED IN OPEN COURT

DATED : 23-6-1998

...js/-

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