

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

R.P.No.4/93

Dt. of order: 17.9.93

Union of India & Ors. : Petitioner

Vs.

Kalyan Singh : Respondent

Mr.S.S.Hassan : Counsel for petitioner

Mr.S.K.Jain : Counsel for respondents

CORAM:


Hon'ble Mr.Justice D.L.Mehta, Vice Chairman

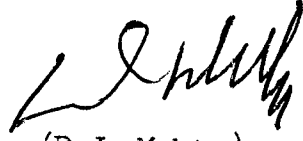
Hon'ble Mr.O. P.Sharma, Member (Adm.).

PER HON'BLE MR.JUSTICE D.L.MEHTA, VICE CHAIRMAN.

It is very surprising that the order of the Tribunal dated 17.3.89 has not been complied with by the respondents who are rule makers and they should have respect for the orders of the Court. Filing of a Review Petition in 1989 and non-compliance ^{with} of the orders without any stay order upto 1993 ^{shows} ~~reflects~~ that the respondents do not want to attach any sanctity to the orders of the Court. Apart from that we will take note of it that ^a number of times the Court was very liberal towards the respondents/ petitioners in the review petition as the case was adjourned for non-representing on behalf of the Union of India and this is the very important cause for the delay in the dismissal of the review petition. Mr.Hussan, counsel for the petitioner cited before us the case of U.O.I Vs. Parmanand 1989 (2) SC 177, ^{in which} the Hon'ble Supreme Court has held that the Tribunal has ordinarily no power to interfere ^{in penalty}. However, when the Tribunal feels that it is arbitrary or is based on no evidence then the Tribunal can interfere ^{with penalty}. In this case orders have been passed by the Jodhpur Bench and the review petition has been transferred from Jodhpur Bench to this Bench. We do

not find any mistake apparent on the face of the record and particularly we will not like to interfere when the order of the Tribunal has not been complied with even after 4 years. It is necessary to comply with the orders to maintain the magnimity of law. The Review Petition is dismissed.


(O.P. Sharam)
Member (Adm.)


(D.L. Mehta)
Vice Chairman.