

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
J A I P U R .

...

CP NO. 5/96
(OA No.903/92)

Date of order: 4.7.96

Mool Chand Yadav

: Petitioner

Vs.

Shri N.P.Singh

: Respondent

Mr.N.K.Gautam, counsel for the petitioner
Mr.K.S.Sharma, counsel for the respondent

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE))

In this contempt petition Shri Mool Chand Yadav has prayed that the respondent should be punished for committing contempt of the Tribunal by not implementing the directions given in order dated 29.7.1994 (Ann.A-1) passed in OA No.903/92, Mool Chand Yadav Vs. Union of India and others.

2. The directions given by the Tribunal in the aforesaid original application were as under:-

"We remit the case to the appellate authority and direct the appellate authority to call these witnesses namely Shri Kailash and Nawal Runote and to allow the applicant to cross-examine them and he should be allowed to take the assistance of his defence nominee. After the examination of the defence witnesses the appellate authority will pass necessary orders after hearing the applicant. Mr.Bhandari submits that the witnesses may not be available, that is a question which is to be decided by the appellate authority and no order can be passed at this stage. However,

Q

5

the appellate authority will be at liberty to ignore the oral statements of these witnesses if they are not available and he can pass necessary order on the basis of the remaining records. The appellate authority is directed to dispose of the matter within a period of six months from today."

3. Mr.K.S.Sharma appearing for the respondent stated before us today that he has filed a reply to the contempt petition and has given copy thereof to the learned counsel for the petitioner. Alongwith the reply he has filed Annexure R-1 dated 25.6.1996 which purports to be an order passed by the Appellate Authority in pursuance of the directions of the Tribunal reproduced above.

4. The learned counsel for the petitioner has stated that while the time given to the Appellate Authority to pass fresh order was of six months from the date of order of the Tribunal which is 29.7.1994, the order passed is dated 25.6.1996. In other words the order has been passed after a period of about 1½ years from the date of expiry of the time granted to the Appellate Authority to pass the necessary order. He has, therefore, prayed that the Appellate Authority should be suitably punished for such inordinate delay in passing the necessary order.

5. The learned counsel for the respondent has stated that the delay was caused merely due to the repeated notices being sent to the two witnesses

9

Received copy of
Judgement dt 4.7.96

Jon

23/7/96

(Parina Hand)

CLA - DRH (HRC)

Amer

Copy issued to app

Vide

20624

ch

23/7/96