

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH CHANDIGARH

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22/24. MA 060/00534/2016 in and

CP 060/00111/2015 & MA No. 060/00543/2015 in

O.A. No. 060/00492/2014

Rajiv Kumar Goyal & Others Vs. R.K. Mathur & Another

29.07.2016

Present: Mr. Rohiteswar Singh, counsel for the applicants

Mr. Sanjay Goyal, counsel for the respondents

MA No. 060/00543/2015

The MA is allowed and exemption is granted from filing certified copies of Annexures P-1 to P-3, subject to all just exceptions.

MA NO.534/2016

The MA is allowed and annexed compliance affidavit is taken on record along with Annexures C-1 and C-2, subject to all just exceptions.

CP

1. We have heard learned counsel for the parties.
2. Learned counsel for the applicants vehemently contended that order of the Tribunal has not been complied with by passing speaking reasoned orders dated 25.04.2016 (Annexure C-2 collectively) inasmuch as the benefit, which was granted to Dr. Badri Singh Bhandari on the basis of judgment of Principal Bench in his case, has not been granted to the applicants and thus order of the Tribunal passed in the O.A. of the applicants has not been complied with.

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3. On the other hand, learned counsel for the respondents contended that order of the Tribunal passed in case of the applicants has since been complied with by passing speaking reasoned order, dated 25.04.2016 (Annexure C-2 collectively).
4. We have carefully considered the matter.
5. The respondents were supposed to consider the claim of the applicants and to take a decision thereon. They have done so by passing speaking reasoned order, dated 25.04.2016 (Annexure C-2 collectively). Even in the case of Dr. Badri Singh Bhandari (supra), the Principal Bench in its order dated 23.10.2013 (Annexure P-2) directed the respondents to consider and take a final decision. In that case, the concerned department granted the benefit to Dr. Badri Singh Bhandari, but said order of the Principal Bench has already been challenged by filing Writ Petition in Hon'ble High Court of Delhi, which is still pending. In the instant case, vide order dated 28.01.2016 (Annexure C-1) passed on Review Application of present respondents, it was specifically clarified that the authorities are free to pass a reasoned and speaking order. It was also observed that the Tribunal had not recorded any particular finding in favour of the present applicants. In view thereof, it cannot be said that the respondents have contravened, much less committed wilful disobedience of, the order of the Tribunal so as to bring them within the purview of contempt jurisdiction.
6. On the other hand, by passing speaking reasoned order, dated 25.04.2016 (Annexure C-2 collectively), the respondents have complied with order of the Tribunal. Accordingly, the instant CP is dismissed as infructuous. Notices issued to Respondents No. 3

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and 4 stand discharged. We have not expressed any opinion on the merit of the speaking order dated 25.04.2016 (Annexure C-2 collectively). The applicants shall be at liberty to avail of any remedy available to them under the law, if aggrieved by the said order.

Uday Kumar Varma
(UDAY KUMAR VARMA)

MEMBER (A)

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L.N. Mittal
(JUSTICE L.N. MITTAL)

MEMBER (J)