

**Central Administrative Tribunal
Principal Bench
New Delhi**

CP No. 337/2013 in

OA No. 1944/2010

Wednesday, this the 12th day of August, 2015

**Hon'ble Shri Sudhir Kumar, Member (Administrative)
Hon'ble Dr. Brahm Kumar Avtar Agrawal, Member (Judicial)**

Mr. Sudesh aged 32 years,
W/o late Mr. Yashwant Rai
R/o Mahem Mohalla Khandawala
District Rohtak Haryana

....Applicant

(By Advocate: Ms. Anu Mehta)

VERSUS

Union of India: through

1. Mrs. Sangita Gairola,
Secretary,
Ministry of Culture,
502-C, Shashtri Bhawan,
New Delhi.
2. Mr. Pravin Srivastava,
Director General,
Archaeological Survey of India.

..... Respondents

(By Advocate: None.)

O R D E R (Oral)

By Hon'ble Sudhir Kumar, Member (A):

Learned counsel for the petitioner has made her submissions in this C.P. and fairly admitted that though the Tribunal had vide order dated 04.06.2010 directed the respondent no.2, the Director General of Archaeological Survey of India, to take a policy decision, on similar lines as in the policy of DOP&T OM dated 10.09.1993, and consider the applicant's prayer in consultation with Nodal Departments, his case has been considered, but the applicant's grievance still survives.

2. From perusal of the Tribunal's order, it transpires that the two OAs in which directions were given by the Tribunal were not decided on their merits, and, hence, the respondents were not directed to do a particular thing in a particular manner, after having examined the merits of the cases of both the sides. Therefore, we do not see any willful disobedience on part of the respondents, which may warrant initiation of contempt proceedings against the alleged contemnors and we are of the view that the CP no longer survives after the respondents have carried out an exercise of considering the petitioner's case, in compliance of the Order dated 10.06.2010.

3. At this stage, the learned counsel for the petitioner seeks and is permitted to withdraw the instant CP, with liberty to the petitioner to take recourse to fresh proceedings, as per law, as he may be advised.

4. In view of the above, the instant CP stands dismissed as withdrawn with liberty granted to the petitioner as above and notices issued to the respondents are discharged.

(Dr. Brahm Kumar Avtar Agrawal)
Member (J)

(Sudhir Kumar)
Member (A)

Bhupen/