

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

M.A. No.4862 of 2018
IN
O.A. NO.1765 of 2014

Orders reserved on : 19.07.2019

Orders pronounced on : 31.07.2019

Hon'ble Ms. Nita Chowdhury, Member (A)

1. The Director,
Song & Drama Division (S & DD),
Bureau of Outreach and Communication
Ministry of Information & Broadcasting,
9th Floor, Soचना Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003

- 2 The Chief Controller of Accounts,
Ministry of Information & Broadcasting,
A Wing, Shastri Bhawan,
New Delhi-110001.

....Applicants

(By Advocate : Ms. Aishwarya Dobhal for Mr. Hilal Haider)

VERSUS

Mr. V.V. Krishna Sarma S/o Mr. Rama Murthy,
Administrative Officer, Group B,
Bureau of Outreach and Communication (Song and Drama
Division)
Ministry of Information & Broadcasting,
CGO Complex,
Lucknow (U.P.).

.....Respondent

(By Advocate : Shri Vinay Gautam)

ORDER

This MA is filed by the respondents in original *lis*
(applicants in the present MA) seeking direction to the

respondent in the present MA to comply fully with the direction of this Tribunal dated 29.8.2016 passed in OA 1765/2014.

2. During the course of hearing, learned counsel for the applicants in this MA submitted that vide aforesaid Order dated 29.8.2016, this Hon'ble Tribunal, while dismissing the OA preferred by the respondent of this MA, imposed a cost of Rs.25,000/- upon the respondent of this MA. Since he has not paid the same, they have filed this Execution Application seeking the aforesaid direction.

3. On the other hand, counsel for the respondent in the MA submitted that the instant Execution Application is hopelessly barred by limitation as this Execution Application was filed on 31.10.2018 seeking execution of Order dated 29.8.2016, i.e., the said application is filed after expiry of two years and as per the provisions of the Administrative Tribunals Act, 1985 (hereinafter referred to as 'the Act'), such type of application ought to have been filed before the expiry of one year from the date on which such final order has been passed. In support of his contention, learned counsel for the respondent in the present MA placed reliance on the decision of the Hon'ble Supreme Court in the case of **Hukam Raj Khinvsara vs. Union of India and others** in C.A. No.- 002237-002237 / 1997 dated 1.1.1997.

4. Per contra, learned counsel for applicants in MA submitted that the present execution application is not barred by limitation as when the respondent in the MA has not fully complied with the aforesaid Order of this Tribunal, the respondents in original *lis* moved a contempt petition before this Tribunal vide CP No.295/2018 in the said OA and this Tribunal, vide Order dated 27.7.2018, dismissed the same as withdrawn with liberty with the following observations:-

“When this matter was taken up, we pointed out that in the relief clause, prayer regarding cost has not been made in the CP. Accordingly, learned proxy counsel for the applicant in CP seeks to leave of this Tribunal with liberty to file fresh CP.

In view of above, CP is dismissed, as withdrawn with aforesaid liberty. No costs.”

Since liberty sought was granted by this Tribunal, therefore, instead of filing a fresh CP, the applicants in this MA preferred the present MA seeking execution of the Tribunal's order dated 29.08.2016. As such, there is no delay at all in filing this MA and the aforesaid decision relied upon by the learned counsel for the respondent in the MA is not applicable to the facts of this case.

5. After having regard to the rival submissions of the learned counsel for the parties, it is observed that there cannot be any dispute that applicants in this MA moved

aforesaid contempt petition since the respondent in the MA has not yet fully complied with the aforesaid orders of this Tribunal. As the issue to be decided in this case is only with regard to non-payment of cost by the respondent in the MA, as imposed by this Tribunal vide Order dated 29.8.2016, it is true that as per the provisions of the Act, the final order passed by the Tribunal is executable under Section 27 of the Act within one year from the date of its becoming final. Since the aforesaid Contempt Petition moved by the applicants in this MA was finally dismissed by this Tribunal vide Order dated 27.7.2018 and liberty as sought by the applicants of this MA was also granted by this Tribunal in view of the fact that the prayer regarding cost was not made in the said CP, as such the Tribunal's order attained finality only on 27.7.2018 and the instant MA is filed on 31.10.2018, i.e., within one year from the date of its becoming final.

6. In view of the above facts and circumstances of this case, this Tribunal is of the considered view that the judgment of the Apex Court in the case of **Hukam Raj Khinvsara** (supra) is not applicable to the facts of this case, as in the said case the Apex Court after referring to the provisions of Sections 27 and 21 of the Act *ibid*, observed that the final order passed by the Tribunal is executable under Section 27 of the Act within one year from the date of its

becoming final and finally held that “Admittedly, the final order was passed on March 13,1992. Consequently, the appellant was required to file the execution application within one year from the said date unless the order of the Tribunal was suspended by this Court in a special leave petition/appeal which is not the case herein. Admittedly, the application came to be filed by the appellant on December 13, 1994 which is well beyond one year. Under these circumstances, the Tribunal was right in its conclusion that the application was barred by limitation.” However, in the instant case, Contempt Petition was moved by the applicants in this MA for initiation of contempt proceedings against the respondent in the MA for not fully complying with the aforesaid Order of this Tribunal and this Tribunal vide Order dated 27.7.2018 dismissed the said CP with the observations as quoted above.

7. In view of the above, the present MA is allowed. The respondent – Mr. V.V. Krishna Sarma is directed to pay the cost of Rs.25,000/- to the present applicants within a period of three weeks from the date of receipt of a certified copy of this Order. There shall be no order as to costs.

(Nita Chowdhury)
Member (A)

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