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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.No.300/2003 in O.A.No.1019/2003

Tuesday, this the 2nd day of December, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S. K. Naik, Member (A)

R.K.Sharma
Junior Exhibition Officer
Ministry of Non-conventional Energy Sources
r/o E-63, Mansarovar Garden
New Delhi-15

..Applicant

(By Advocate: Shri S.N.Anand)

Versus

1. Shri Ajai Vikram Singh (IAS)
Secretary
Ministry of Non-conventional Energy Sources
Block No.14, CGO Complex
Lodhi Road, New Delhi-3
2. Shri J. Majumdar
Under Secretary to the Govt. of India
Ministry of Non-conventional Energy Sources
Block No.14, CGO Complex
Lodhi Road, New Delhi-3

..Respondents

(By Advocate: Shri M.M.Sudan)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, VC(J):-

Heard both the learned counsel for parties in CP-300/2003. Earlier, the respondents had admittedly passed order dated 19.6.2003, purportedly in implementation of Tribunal's order dated 23.4.2003 in OA-1019/2003. Later, after this CP was filed, the respondents have apparently reconsidered the whole issue and passed a revised order dated 30.9.2003 (Annexure R-1 to the reply affidavit). According to the learned counsel for petitioner, this is not a speaking order and the respondents have not clearly mentioned the provisions of ^{the} Fundamental Rules while passing this order. This is controverted by the learned senior counsel for respondents.

Yr.

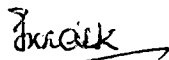
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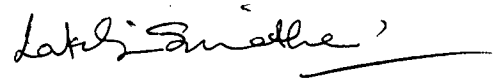
2. We have perused the pleadings on record and considered the submissions of the learned counsel for the parties.

3. We are satisfied that in terms of the aforesaid order of the Tribunal dated 23.4.2003, the respondents have passed a speaking order in reply to the representation submitted by the applicant dated 1.4.2003 and other representations mentioned therein. They have given the reasons as to why they have come to the conclusion. In the reply affidavit, they have also submitted that they have re-checked the submissions made by the petitioner in the representations, while passing the revised order dated 30.9.2003.

4. Taking into account the totality of the facts and circumstances of the case, we are, therefore, unable to come to the conclusion that the respondents have, in any way, contumaciously disobeyed the Tribunal's directions to justify taking further action against them under the provisions of Section 17 of Administrative Tribunals Act, 1985 read with the provisions of Contempt of Courts Act, 1971. In this view of the matter, CP-300/2003 is dismissed. Notices to the alleged contemnors are discharged. File[†] be sent to record room. However, if any grievance still survives, liberty is granted to the petitioner in accordance with law.



(S. K. Naik)
Member (A)



(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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