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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.3071/2003

Wednesday, this the 7th day of January, 2004

Hon'ble Shri S.K. Naik, Member (A)

Shri Harcharan Singh
s/o Surjan Singh
r/o 198, North Avenue
New Delhi-1

...Applicant

(By Advocate: Shri Mahesh Srivastava)

Versus

1. Union of India through
its General Manager
Northern Railway, Baroda House
New Delhi
2. Divisional Railway Manager
Northern Railway
Firozpur Cantt. Punjab

...Respondents

O R D E R (ORAL)

Heard the counsel for applicant.

2. The application has been filed for the implementation of the direction issued by this Tribunal in OA-196/2002 decided on 23.1.2002 in which the respondents were directed to decide applicant's representation by passing a speaking and reasoned order within a period of two months. The counsel contends that the same has not been complied with by the respondents and, therefore, by filing the present application, he seeks a direction to be further issued to the respondents in this regard. It is not denied that the same relief has been sought by the applicant as was prayed for in the earlier application. If there has been any non-compliance of the order of the Tribunal, in my view, appropriately a contempt would lie against the respondents and the same cause of action cannot be taken up by filing fresh application.

Done

(2)

3. Learned counsel has further contended that power to issue notice to the respondents could be exercised to secure the ends of justice under Rule 24 of C.A.T. (Procedure) Rules, 1987. However, the Tribunal has to exercise its judicial discretion in the matter only in an appropriate cases ^{to allow filing MA 7} and this cannot be a routine exercise of the power. Otherwise the applications once decided will continue to come up before the Tribunal repeatedly.

4. In this view of the matter, this OA is dismissed in limine with liberty to the applicant to file a contempt petition, if so advised, in accordance with law.

S.R. Naik
(S.R. Naik)
Member (A)

/sunil/