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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

C.P. No. 88 of 2004 In  
Original Application No.65 of 2003

New Delhi, this the 1st day of June, 2004

HON'BLE MR.KULDIP SINGH, MEMBER (JUDL)  
HON'BLE MR.S.A. SINGH, MEMBER (A)

Suresh Pal  
PIS No.28770609  
R/o 1-1/3  
PS Model Town,  
Delhi-110 009.

..Applicant

By Advocate: Shri Anil Singhal.

Versus

Shri Kanwar Ahmed  
Joint Commissioner of Police  
(Traffic), PHQ,  
IP Estate,  
New Delhi.

..Respondents

By Advocate: Ms. Rashmi Chopra.

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member (Judl)

Heard.

2. The OA was disposed of on 9.1.2002 with  
the following directions:-

" If the contention of the applicant is correct that the aforesaid appeal submitted by him against the disciplinary authority's order dated 13.3.2001 is still pending with the respondents, we consider it would be appropriate to dispose of this OA, at this stage, even without issuing notice to the respondents, with a direction to the respondents to take a decision on the statutory appeal which has been availed of by the applicant, in accordance with law within a period of two months from the date of receipt of a copy of this order. In case the decision had already been

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taken in the matter, a copy of the decision of the appellate authority shall be conveyed to the applicant within the same time".

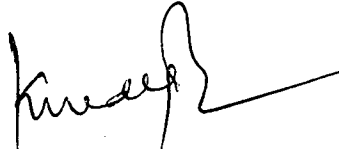
3. The learned counsel appearing for the respondents submitted that they had made inquiries and found that no appeal has been filed by the applicant and he had obtained this order <sup>enquiry</sup> ~~an~~ appropriate plea that the applicant had submitted an appeal which is pending with the appellate authority. The respondents also submitted that since no appeal has been filed so there is no question of passing any order.

4. The learned counsel for the respondents also submitted that they have also initiated enquiry against the applicant as to why he had made such a statement before the Tribunal. In view of the fact that the respondents have stated that no appeal has been submitted by the applicant, we find that no action can be taken against the respondents under the Contempt of Courts Act or under Section 17 of the A.T. Act to proceed against the respondents.

5. However, if during the departmental enquiry if anything is found about the filing of the appeal by the applicant, he would be at liberty to take appropriate action.

6. In view of the above CP is dropped. Notice discharged.

  
(S.A. SINGH)  
MEMBER (A)

  
( KULDIP SINGH )  
MEMBER (JUDL)

/Rakesh