
(2012) 01 JH CK 0133
In the Jharkhand High Court
Case No : Cont. Case (Civil) No. 60 of 2012

Samir Toppo

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 30-01-2012

Acts Referred:

Citation : (2012) 2 JCR 391 : (2012) 1 JLJR 217

Hon'ble Judges : Prakash Tatia, J;P.P. Bhatt, J

Bench : Division Bench

Judgement

1. Defects ignored.
2. It appears that before the Central Administrative Tribunal (Circuit Bench), Ranchi, O.A. No. 213 of 2011 (R) is pending wherein in spite of objection of the original applicant/writ petitioner, no reply has been filed and furthermore even no reply has been filed for contesting the interim relief prayed by the writ petitioner.
3. The petitioner's contention is that by granting more time for filing reply, for even interim relief factually amounts refusal to grant interim relief and that too because of fault of other party. However, the petitioner looking to the dilatory tactic approached this Court by filing writ petition being W.P. (S) No. 7451 of 2011 wherein after taking note of the events of not filing the reply by the Union of India, the Division Bench of this Court observed that "It goes without saying that if any new penal is prepared, the same should be subject to the orders passed on the prayer for interim relief/order passed finally in the main application filed before the CAT." This Court then directed the respondent-Railway shall file the pleadings in main O.A as well as on the prayer for interim relief by 13.1.2012 and reply/rejoinder, if any, obviously by the writ petitioner/original applicant before the CAT, may be filed by 25.1.2012 and the Court observed that parties are expected to cooperate in the early disposal of the main O.A/prayer for interim relief.
4. In spite of the said order neither the reply for contesting the interim relief has

been filed nor the reply in main O.A has been filed. This is the position after laying down the "Litigation Policy" by the Central Government which must have been framed much prior to 31.3.2011. It appears that the officers of the Union of India are not aware of the Litigation Policy and because of this reason only the writ petition and the contempt petition, both may have been filed by the writ petitioner.

5. In these facts and circumstances, when the reply till today has not been filed by the respondents, then certainly the CAT can proceed to pass not only the interim order but also is free to pass the appropriate order in the main O.A, in absence of reply filed by the respondents on date fixed i.e., 8.02.2012.

6. The respondent no. 4-Chairman, Railway Board, Ministry of Railway, Government of India, shall look into the matter and will proceed to take departmental action against the guilty person and the report of action taken be submitted before this Court on 14.02.2012.

7. A copy of this order be given to learned counsel for the parties today itself.