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20.12.2012

certain clarifications. The same were provided and finally Internal Finance Division of Ministry of Earth Sciences forwarded the matter to Department of Expenditure, Ministry of Finance on 15<sup>th</sup> June, 2012. Some clarifications have been sought by Department of Expenditure from Administrative Ministry i.e. Ministry of Earth Sciences which have been provided on 17.08.2012 by the later.

On that basis, learned counsel submitted that the matter is under active consideration with Administrative Ministry and presently the case has been referred to Ministry of Finance. Applicants will be informed as and when the decision of the Govt. is received in the matter.

Learned counsel further stated that there is no wilful disobedience of the court order inasmuch as the contemnor did his best to comply with the directions. Whatever is not within the ambit and scope of power of the contemnor that can not be done. Law can not compel the contemnor to do the impossible.

Mr. M. Chanda, learned counsel for the petitioner appeared before us. At the outset, learned counsel invited our attention on the order of this Tribunal by which directions were rendered to the applicants to make a comprehensive representation within a period of two weeks from the date of the receipt of the order. Thereafter, respondents were required to take a final decision in a judicious manner on the said representation. It was further stipulated in the said order that the decision should be communicated to the applicants within a period of four months from the date of the receipt of the comprehensive representation. Learned counsel relied on the ratio laid down by the Supreme Court rendered in the case of *K.G. Dasari and another Vs. Union of India and Ors.* (2001) 10 SCC 496. Para 5 of the said judgment reads as under:



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