

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

...

Contempt Petition No. 290/00022/2019
(Original Application No.290/00267/2018)

RESERVED ON : 17.12.2019
PRONOUNCED ON: 19.12.2019

CORAM:

HON'BLE MRS. HINA P.SHAH, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)

Ashok Bhati S/o Late Shri Sayara Ram, aged 36 years, R/o Pori, Vill. -Kagmala, Teh.-Raniwara, Distt-Jalore

... Petitioner

(By Advocate: Shri K.K.Shah)

Versus

Shri V.P.Shadangi, Chief Post Master General, Rajasthan Circle, Jaipur- 302007.

...Respondent

ORDER

Per Mrs. Hina P.Shah

The present Contempt Petition has been filed by the petitioner u/s 17 of the Administrative Tribunals Act, 1985 for non-compliance of the order dated 06.09.2019 passed in OA No.267/2018- Ashok Bhati vs. Union of India and Ors.

2. The learned counsel for the petitioner vehemently argued that the order dated 06.09.2019 passed by this Tribunal has not been complied with by the respondents in

its true spirit. The learned counsel stated that though in compliance of the order of this Tribunal dated 06.09.2019, an order dated 28.11.2019 (Ann.CP/3) has been passed by the respondents, but the same cannot be considered actual compliance as the respondents have not taken into consideration the observations of this Tribunal as well as the relevant rules and instructions on the subject. The learned counsel further contended that first four paragraphs of the impugned order dated 28.11.2019 and impugned order dated 07.08.2018 passed in compliance of the order dated 08.05.2018 in the earlier round of litigation i.e. OA No.492/2015 are almost identical. There is no substantial change in both the impugned orders. Therefore, the learned counsel for the petitioner pointed out that it is a serious contempt as the directions of this Tribunal are not obeyed in its true spirit.

3. It is noted that this Tribunal in operative para-6 of the order directed the respondents to pass appropriate orders in the matter which should elaborately deal with the observations of this Tribunal as well as relevant rules and instructions on the subject. It was also pointed out in the order that the respondents shall take into account the fact

of taking different stand in the reply and the said exercise shall be completed within a period of three months from the date of receipt of copy of the order.

4. After passing the order dated 06.09.2019 by this Tribunal, the petitioner has also filed a Review Application No. 9/2019 and the same was dismissed by this Tribunal by circulation on 26.09.2019.

5. We have considered the matter of alleged contempt of the order dated 06.09.2019 passed in OA No.267/2018. The respondents in compliance of the directions have passed the order dated 28.11.2019. It is seen from the said order that the respondents have taken into consideration several aspects and thereafter came to the conclusion. Therefore, we are of the view that no case of deliberate or wilful disobedience of the order of this Tribunal on the part of the respondents is made out by the petitioner.

6. Accordingly, the present Contempt Petition is dismissed.

(ARCHANA NIGAM)
ADMV. MEMBER

(HINA P.SHAH)
JUDL. MEMBER

R/