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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI**

C.P. NO.127/2004

in

O.A. NO.395/2001

This the 1<sup>st</sup> day of November, 2004.

**HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)**

**HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

R.K.Choudhary S/O D.N.Choudhary,  
R/O Sant Ravi Dass Camp,  
Vikas Puri, New Delhi.

... Applicant

( By Shri B.S.Mainee, Advocate )

versus

Shri R.C.Aggarwal,  
Divisional Railway Manager,  
East Central Railway,  
Samastipur.

... Respondent

( By Shri B.S.Jain, Advocate )

**ORDER (ORAL)**

**Hon'ble Shri V.K.Majotra, Vice-Chairman (A) :**

The learned counsel of the applicant brought to our notice order dated 13.9.2004 of the Hon'ble High Court of Delhi passed in WP(C) No.5147/2003 whereby contempt proceedings have been stayed till further orders and the Writ Petition has been listed for consideration on 21.1.2005.

2. The learned counsel of respondents contended that there are other grounds for holding the present CP as not maintainable and, therefore, the same should be dismissed as not maintainable. The learned counsel stated that this CP has been filed much beyond the period of limitation. OA No.395/2001 was disposed of vide order dated 14.5.2002 with directions to the respondents for considering the applicant's case for regularisation if any one shown below him in the temporary status list dated 22.9.1994 had been regularised. Respondents were

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accorded a period of three months for implementation of the Tribunal's directions. Respondents filed RA No.213/2002, which was dismissed, vide Tribunal's order dated 17.1.2003. The learned counsel stated that the contempt petition has been filed in the first week of April, 2004 and as such, it is time barred even after taking Tribunal's order dated 17.1.2003 into account.

3. The learned counsel of the applicant stated that this Tribunal on 1.9.2004 rejected the contention of the respondents regarding non-maintainability of the contempt petition after considering their contentions in detail. The learned counsel stated that the same request cannot be considered once again on the same grounds. Tribunal's order dated 1.9.2004 is extracted below :

"Present : Sh. B.S.Maine, counsel for the applicant  
Sh. B.S.Jain, counsel for the respondents

Learned counsel of the respondents has taken exception to this petition on the ground of limitation stating that this CP has been filed much beyond the period of limitation. On the other hand, learned counsel of the applicant has brought to our attention the provision of Section 20 of the Contempt of Courts Act 1971 contending that contempt commences after expiry of a period of one year from the date on which the contempt is alleged to have been committed. He stated that OA 395/2001 was disposed of vide order dated 14-5-2002 with directions to the respondents for considering the applicant's case for regularization if any one shown below him at serial number in the temporary status list dated 23-9-1994 issued by the respondents had in fact been regularized. Respondents were given a period of three months from the date of receipt of a copy of the Tribunal's order for implementation of directions of this Court. Thereafter respondents had filed RA 213/2002 which was dismissed vide Tribunal's order dated 17-1-2003. Learned counsel stated that respondents could have availed of a period of three months from receipt of the orders made in the review application on 17-5-2003 and in this perspective, the present petition has been filed within the stipulated time limit. We agree with the learned counsel and hold that the CP has been filed within the limitation."

4. Having regard to the Tribunal's order dated 1.9.2004 whereby respondents' contention regarding non-maintainability of the contempt petition on the ground of limitation was rejected, we agree with the learned counsel of the

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applicant and hold that the CP has been filed within the period of limitation.  
Respondents' objection in this regard is rejected.

5. Contempt proceedings having been stayed vide order dated 13.9.2004, in our considered view, it is appropriate to drop these contempt proceedings and discharge notices to the respondents with liberty to the applicant to revive them, if necessary, when decision in WP (C) No.5147/2003 is available. Ordered accordingly.

S. Rayn  
(Shanker Raju)  
Member (J)

V. K. Majotra  
1.11.04  
(V. K. Majotra)  
Vice-Chairman (A)

/as/