

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

C.C.P.No.346 of 1997 in  
Original Application No.346 of 1994

New Delhi, this the 24th day of February, 1998

Hon'ble Mr. Justice K.M. Agarwal, Chairman  
Hon'ble Mr. N. Sahu, Member (Admnv)

Kishan Chand, r/o Telephone  
Exchange, Shamli, Muzaffarnagar  
(U.P.)

- APPLICANT

(By Advocate Mrs. Rani Chhabra)

Versus

1. Mr. B.P. Tyagi, Sub Divisional  
Officer Phones, Muzaffarnagar.

2. N.K. Gupta, Assistant Engineer  
Phones External (West),  
Muzaffarnagar.

-RESPONDENTS

(By Advocate Shri K.R. Sachdeva)

ORDER (O R A L)

By Agarwal, J. -

There were 10 applicants in O.A.No. 346 of 1994 decided on 21.7.1994. That O.A. was allowed and the respondents were directed to consider the cases of the applicants for grant of temporary status under the scheme on the footing that they have rendered services for a period of 240 days in one particular year. As the directions were not carried out by the respondents within the specified time, 9 out of the 10 applicants in O.A.No.346 of 1994 filed C.P.No.345 of 1994. The 10th applicant separately filed the present C.P.No.346 of 1994 which was directed to be listed after the disposal of C.P.No.345 of 1994, which was disposed of on 16.2.1995.

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2. The learned counsel for the respondents cited paragraph 19 of a decision of Gujarat High Court in Dinesh Bhai A. Parikh Vs. Kripalu Co-operative Housing Society, AIR 1980 Guj.194 and submitted that after expiry of a period of one year no cognizance of the alleged contempt can be taken.

3. The learned counsel for the respondents may be right in what he submitted before us but what we find is that in earlier C.P.No.345 of 1994 this Tribunal found that no contempt was committed by the respondents but at the same time certain clarifications were made. Whether the applicant in the present contempt petition was or was not a party to earlier C.P.No.345 of 1994 is immaterial. What is material is whether he was or was not a party to the O.A. out of which the earlier contempt petition and the present contempt petition arose. Under the circumstances we are of the view that the respondents are bound to give the benefit of the observations made by the Tribunal in the earlier C.P.No.345 of 1994 though the present applicant was not a party to that contempt petition because he was also entitled to similar reliefs, as the applicants in C.P.No.345 of 1994 were entitled to, pursuant to the order made in O.A.No.346 of 1994.

4. Accordingly, this contempt petition is hereby disposed of by holding that no case of contempt is made out against the respondents but the respondents shall also give the benefits, if any,

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available to the present applicant pursuant to the clarification made by the Tribunal in its order dated 16.2.1995 in CP No.345 of 1994.



(K.M. Agarwal)  
Chairman



(N. Sahu)  
Member (Admnv)

rkv.