

Central Administrative Tribunal
Principal Bench: New Delhi.

CP 154/96
OA No.1667/95

New Delhi this the 23rd day of August 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

1. Dinesh Kumar
S/o Ram Chander
R/o H.No.609 Kamla Nehru Nagar
Ghaziabad (UP)
2. Sh.Vinod Kumar
S/o Ram Chander
R/o SE-279, Shastri Nagar
Ghaziabad (UP).
3. Nathu Singh
S/o Leelay Singh
R/o C/o Central Revenue Canteen
Income Tax Department
Ghaziabad (UP).
4. Subhash Chand
S/o Shiv Charan
C/o Central Revenue Canteen
Income-Tax Department
Ghaziabad (UP)
5. Pramod Kumar
S/o Bolu Singh
R/o C/o Central Revenue Canteen
Income Tax Department
Ghaziabad.
6. Beer Singh
S/o Khadak Singh
R/o Central Revenue Canteen
Income Tax Department
Ghaziabad.
7. Omveer Singh
S/o Vishamber Singh
R/o C/o Central Revenue Canteen
Income Tax Department
Ghaziabad.
8. Hukum Singh
S/o Manphool Singh
R/o C/o Central Revenue Canteen
Income Tax Department
Ghaziabad

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9. Nepal Singh
S/o Sultan Singh
R/o C/o Central Revenue Canteen
Income Tax Department
Ghaziabad.

10. Narender Kumar
S/o Budh Prakash
R/o C/o Central Revenue Canteen
Income Tax Department
Ghaziabad.

11. Raju Chauhan
S/o Vishamber Singh
R/o C/o Central Revenue Canteen
Income Tax Department
Ghaziabad.

...Petitioners.

○ (By Advocate: Sh. D.R.Gupta)

Versus

Union of India through

1. The Chairman
Central Board of Direct Taxes
Department of Revenue
Ministry of Finance
North Block
New Delhi - 110 001.

2. Sh. N.C.Gupta
Chief Commissioner of Income Tax
Civil Lines
Kanpur.

3. Smt. Archana Ranjan
Deputy Commissioner, Income Tax (UP)
Ghaziabad.

4. Sh. S. T.Rajan
Director of Canteen
Dept. of Personnel & Training
Shastri Bhawan
New Delhi - 110 001.

...Respondents.

○ (By Advocate: Sh. V.P. Uppal)

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O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

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We have perused the contempt petition, reply affidavit, rejoinder and other relevant materials placed on record.


2. This contempt petition has been filed stating that the respondents have defied the orders of the Tribunal passed on 17.5.1996 not to terminate the services of the original applicants. Alleging that on 27.5.1996, the respondents had, with a view to frustrate the orders passed in the case, closed the canteen, ^{which} ~~this~~ action of the respondents, according to the applicants, ^{has} ~~is~~ in total defiance of the directions of the Tribunal and, ~~therefore~~, they are liable to be proceeded against under the Contempt of Court Act. The materials placed on record disclose that though an interim order was passed on 17.5.1996, a copy of that was received by the petitioner on 27.5.1996. The canteen in question seems to have been closed on 24.5.1996 and the possession thereof seems to have been handed over to CPWD Engineer the same date under his signature. The 3rd respondent has in her affidavit stated that she was unaware of the interim order passed as a copy thereof was not communicated to her and had she been aware of it, she would not ^{have} ~~done~~ so. We do not find any material to show that the respondent No.3 was aware of the interim order passed on 17.5.96, apart from the statement in the petition that immediately after coming to know of the interim order, the building was got vacated. Learned counsel for the petitioner argued that as the interim order was passed in the presence of the counsel, the knowledge of the counsel is sufficient and, therefore, any action in violation thereof attracts action under the Contempt of Court Act. We are not

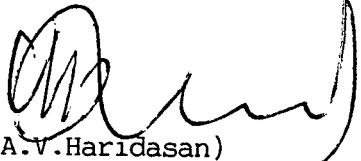
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in a position to accept this proposition of law in view of the ruling of the Hon'ble Supreme Court in Suresh & Others Vs. UOI reported in 1995 Supplimentary 3 SC 306 wherein it was held that even a copy of the order of injunction was served on the counsel, if the same was not communicated to the litigant, the litigant cannot be held guilty of contempt, for, to constitute action under the Contempt of Court Act, there should be necessary ^{mental} material element. In this case, we are not satisfied that the respondent had received the interim order and we believe that had the order been communicated to them, they would not have acted against the directions of the Tribunal. The hasty action on the part of the respondents in evicting the building and closing the canteen which will have the effect of frustrating the relief sought for in the application cannot be considered as bonafide, at least, prima facie. However, that does not attract any action under the Contempt of Court Act. The same may be relevant while adjudicating the OA.

3. In the result, finding no reason to proceed against the respondents under the Contempt of Court Act, we dismiss the CP and discharge the notice issued.


(K. Muthukumar)
Member (A)


(A. V. Haridasan)
Vice Chairman (J)

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CP Dismissed under
Hon Court's order dated 22/8/96
Pleading in this case
already complete
P/B
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