

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P.No.396/2000 in M.A.No.2621/2000, O.A.No.1688/97  
with  
C.P.No.393/2000 in M.A.No.2591/2000, O.A.No.1833/97

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 14th day of November, 2000

C.P.No.396/2000 in M.A.No.2621/2000, OA No.1688/97:

1. Viresh Sahu  
s/o Shri Kanta Sahu  
r/o H.No.100, Haiderpur  
Delhi - 110 052.

2. Shivaji Yadav  
s/o Shri Bishuni Yadav  
r/o No.233, Haiderpur  
Delhi - 110 052.

.. Petitioners

(By Mrs. Rashmi Singh, though Shri A.N.Pandey,  
Advocate)

Vs.

1. State of N.C.T. of Delhi  
through its Secretary (Sh. Narender Prasad)  
5, Shannath Marg  
Delhi.

2. The Joint Director of Education(A) (Sh. T.C. Nag)  
Directorate of Education  
(ES-II), Delhi.

3. The Principal (Mrs.K. Goel)  
Govt. Co-Education  
Secondary School  
"FU" Block, Pitampura  
Delhi - 110 034.

..... Respondents

with

C.P.No.393/2000 in M.A.No.2591/2000, O.A.No.1833/97

Jai Prakash Singh  
s/o Sh. Ambika Prasad  
r/o House No.100  
C/o Sh. Bhagmal Singh  
Haiderpur  
Delhi - 110 052.

.. Petitioner

(By Mrs. Rashmi Singh, though Shri A.N.Pandey,  
Advocate)

Vs.

1. State of N.C.T. of Delhi  
through its Secretary (Sh. Narender Prasad)  
5, Shannath Marg  
Delhi.

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2. The Joint Director of Education(A) (Shri T.C.Nag)  
Directorate of Education  
(ES-II), Delhi.

3. The Principal (Ms. Summa Goswami)  
Govt. Girls Model Sr. Sec. School  
"H" Block, Ashok Vihar  
Delhi - 110 052..

... Respondents

O R D E R (Oral)

Justice V. Rajagopala Reddy:

Heard the counsel for the petitioner.

C.P.No.396/2000 is filed against the order dated 10.9.1997 in the above OA. In which the following direction was given to the respondents:

"The respondents are directed to allow the applicant to join their duties as soon as possible in case they present themselves with joining report till appropriate orders are passed against retention and handed over to the applicants."

2. C.P.No.393/2000 is filed against the order dated 26.8.1997 in the above OA. In which the following direction was given to the respondents:

".... the respondents shall treat him on duty and shall not obstruct him from performing his duties until appropriate orders are passed by the appointing authority either an order of suspension or an order of removal in accordance with rules. The petitioner will be entitled to the salary for all the days he has been present and obstructed to join duties and the remaining period shall be treated on leave of its kind due."

3. Petitioners submit in this CP that though they have been approaching the respondents for passing suitable orders, the respondents had not complied with the orders. It was further stated that the only reason given by the respondents for not complying with the order was the alleged pendency of the Writ Petition in the High Court.

C.R.

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4. Under Section 20 of the Contempt of Courts Act, 1971, the limitation stipulated for initiation of any contempt proceedings was a period of one year from the date on which the contempt was alleged to have been committed. As it was stated in this case that the applicants have been approaching the respondents immediately, after the passing of the order in question, the contempt must be deemed to have been committed by the respondents as it is stated that they have not complied with the order. Hence, the CPs should have been filed within a period of one year from the date of the order. Since the order was passed in 1997, the present CPs filed in 2000, should be held as time barred under Section 20 of the Contempt of Courts Act, 1971. Under Section 17 of the Administrative Tribunals Act, 1985 the provisions of the Contempt of Courts Act were made applicable. Thus, both the CPs are time barred. The MA 2621/2000 and M.A.2591/2000 are therefore filed for condonation of delay. In our view, the said applications are not maintainable, as Section 5 of the limitation is not made applicable under section 20 of the Contempt of Courts Act, 1971. Even assuming that the delay could be condoned, we are not satisfied that in this case any valid grounds are stated to explain the delay. The same grounds as are stated in the CP are reiterated in the MAs. In the circumstances, both the CPs are barred by limitation and therefore dismissed accordingly. No costs.

Original judgement  
placed in CP 396/2000  
MA 2621/2000 in on 16/8/3)

Attalup

/RAO/

V. K. Srinivasan

24/11/2000

C.O. (II)

(GOVINDAN S. TAMPI)  
MEMBER (A)

(V. RAJAGOPALA REDDY)  
VICE CHAIRMAN (J)