

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

**Contempt Petition No. 291/36/2020
in
(Transferred Application No. 291/1/2018)**

Date of Order: 04.09.2020

CORAM

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER
HON'BLE MRS. HINA P. SHAH, JUDICIAL MEMBER**

Narendra Bhushan Sharma Son of Shri Gopal Sharma, age about 90 years, Resident of 111/244, Ramteerth Marg, Agarwal Farm, Mansarovar, Jaipur.

...Petitioner

None present for the petitioner

Versus

1. Shri Sujeet Kumar Suman, Chief Manager, State Bank of India, 22 Godown Branch, Jaipur – 302006.
2. Ms. Manju Shah Jain, Divisional Railway Manager, Jaipur Division, North Western Railway, Near Railway Station, Jaipur – 302005.

...Respondents

Shri Neeraj Batra, counsel for respondent No. 1 – through Video Conference

Shri Anupam Agarwal, counsel for respondent No. 2 – through Video Conference

ORDER (Oral)**Per: Hina P. Shah, Judicial Member**

The present Contempt Petition has been filed by the petitioner for alleged non-compliance of the order dated 17.09.2019 passed by this Tribunal in T.A. No. 01/2018 by which the T.A. was allowed with following directions:-

"8. Accordingly, the present Transferred Application is allowed and the respondents are directed to make refund of Rs. 1,85,530/- to applicant with interest at the rate of 6% within a period of three months from the date of receipt of a certified copy of this order."

2. In the Contempt Petition, the petitioner stated that the order of this Tribunal has not been considered by the respondents so far in true sense as per the directions given by the Tribunal. The respondents are deliberately and intentionally flouting the order of this Tribunal. Therefore, the respondents are liable to be punished for contempt of court.

3. The respondent No. 2 has filed a reply dated 26.08.2020 stating that after the order of this Tribunal dated 17.09.2019 and after seeking opinion of their counsel, order of the Tribunal was challenged before the Hon'ble High Court by

way of filing a D.B. Civil Writ Petition No. 1333 /2020, which came up for consideration on 21.07.2020 and the Hon'ble High Court found no ground to interfere in the order of this Tribunal dated 17.09.2019. Accordingly, they immediately passed an order dated 24.07.2020 (Annexure CPR-2) in compliance of the order of this Tribunal dated 17.09.2019. Thereafter, they have written a letter on 07.08.2020 to the CPPC Branch of State Bank of India and branch dealing with the pension account of the applicant, which had been replied on 18.08.2020 informing that due amount has been deposited in the bank account of the applicant on 17.08.2020. Copies of the letter dated 07.08.2020 along with its reply by the bank dated 18.08.2020 are enclosed as Annexure CPR-1.

4. The respondent No. 2 further submitted that she has highest regard to the orders and directions of this Tribunal and that she never intended to commit any wilful disobedience of any of the orders and directions given by this Tribunal. She further added that if this Tribunal ultimately reaches to a conclusion that any disobedience or contempt has been committed by her, she tenders her unconditional apology for the same.

5. The respondent No. 2 further stated that in compliance of the directions of this Tribunal dated 17.09.2019, order dated 24.07.2020 as well as letter dated 07.08.2020 have been issued. Further, pursuant to letter dated 07.08.2020, reply dated 18.08.2020 has also been given by the State Bank of India, CPPC. It is further stated that as per the directions issued by the Tribunal, they have acted with due diligence in complying the orders of this Tribunal.

6. The respondent No. 2 stated that she has not flouted any orders of this Tribunal intentionally or deliberately as claimed in the present Contempt Petition. The directions of this Tribunal are complied with in its true spirit. Therefore, there is no question of any contempt and the present Contempt Petition deserves to be dismissed and notices are required to be discharged.

7. Heard learned counsels appearing on behalf of the respondents.

8. After considering the matter of alleged disobedience of the order of this Tribunal, we are of the view that the order

of this Tribunal has been complied with by the respondents and we do not find wilful or deliberate disobedience on the part of the respondents. Pursuant to the directions issued by this Tribunal vide order dated 17.09.2019, the respondents have passed an order dated 24.07.2020. They have also written a letter dated 07.08.2020 to the CPPC Branch of State Bank of India and branch dealing with the pension account of the applicant, which had been replied on 18.08.2020 informing that due amount has been credited in the bank account of the applicant on 17.08.2020.

9. In view of the above, we do not find any wilful or deliberate disobedience on the part of the respondents and the Contempt Petition is liable to be dismissed, which is, accordingly, dismissed. Notices issued are discharged.

(HINA P. SHAH)
JUDICIAL MEMBER

(DINESH SHARMA)
ADMINISTRATIVE MEMBER

Kumawat