

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

RA 231/95
CP-164/95
DA-628/86

Date of decision 14-8-96

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Sh. R.K. Ahooja, Member (A)

Dr. Pawan Kumar Jain
s/o Sh. Gopi Ram Jain
R/o WZ 29, Golden Park,
Rampura, Delhi.

... Petitioner
(Petitioner present in person)

Vs.

Employees State Insurance Corporation
through its Director General
Shri B.R. Basu.

... Respondent
(By Advocate Sh. G.R. Nayyar)

O R D E R (ORAL)

(Hon'ble Shri R.K. Ahooja, Member (A)

This Review application has been filed in respect of the order passed by this Tribunal on 2.8.95 in CP 164/95 in DA 628/86. The Contempt petition was filed by the applicant in respect of non-compliance of the Tribunal order dated 19.3.87 disposing of three applications, one of which had been filed by the present petitioner. Since the contempt proceedings had been filed after a considerable delay in the year, 1995, it appeared that the same was barred by limitation in terms of the provisions of the Contempt of Court's Act. In the CP, it was stated that a SLP had been filed before the Supreme Court but it could not be ascertained whether any interim direction had been given to and the original order of the Tribunal stayed during the pendency of the appeal before the Supreme Court. Hence by the order dated 2.8.95, the Tribunal dismissed the CP on the point of limitation.

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2. In the RA, the applicant has submitted that the Hon'ble Supreme Court in the SLP filed by the respondents had passed the following orders on 14.8.87 which reads as under:-

" Issue Notice. Pending Notice there will be interim stay but the petitioner shall not terminate the services of the respondent until further orders." *dr*

Further more vide ~~order~~ ^{on} dated 3.4.1989, the Supreme Court passed the following order:-

" Special Leave Granted. Interim order made on 14.8.87 is made absolute with modification that one Guruprasad.....".

3. The petitioner in the R.A. now submits that ~~because~~ ^{alone} the orders which, ~~after~~ ^{despite} the exercise of due diligence, were not within ~~the~~ ^{his} knowledge ~~of the~~ ^{of} the petitioner and therefore, he could not produce the same at the time when the order dated 2.8.95 was passed in CP No.164/95.

4. Learned counsel for the respondents has argued that since the Supreme Court has not upheld the order of the Tribunal's in toto, there was no contempt committed on the part of the respondents and if at all, the applicant should move the Hon'ble Supreme Court if he is aggrieved that the order of the Supreme Court has not been complied with.

5. We have considered the matter carefully.

6. The limited question before us is whether the CP filed on 20.7.95 is barred by limitation. We are satisfied that since there was an interim order granted by the Supreme Court on 14.8.87 and it was made absolute vide order dated 3.4.89 and that the final order of the Supreme Court has been passed only on 19.10.1994, the

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CP is not barred by limitation and it was filed within the time limit. In so far as the arguments of the respondents is concerned that no contempt has been committed by the respondents, this matter has to be gone into while hearing the E.P. itself.

7. Accordingly, R.A. is allowed. The order dated 2.8.95 is recalled and the CP is restored to its original position.

~~Ahooja~~ -
(R.K.Ahooja)
Member (A)

~~Lakshmi Swaminathan~~
(Smt. Lakshmi Swaminathan)
Member (J)

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