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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

C.C.P. No.238/91 in O.A. No.84/88.

DATE OF DECISION: 23-12-1991.

Shri J.C. Bhutani Petitioner

V/s.

Dr. J.D. Gupta & Anr. Respondents.

CONAM: Hon'ble Mr. T.S. Oberoi, Member (J).
Hon'ble Mr. P.C. Jain, Member (A).

Shri V.P. Bharadwaj, counsel for the petitioner.

P.C. JAIN, MEMBER (A):

This Civil Contempt Petition has been filed by the applicant in O.A. 84/1988, which was decided on 1.9.1989, for alleged wilful disobedience of the orders passed by the Tribunal in the aforesaid O.A. As per the orders of the Tribunal in the aforesaid judgment, respondents Nos.1 and 2 therein were directed to hold a limited competitive examination within four months from the date of receipt of the order and the results of the examination were to be announced within two months thereafter. In para 6 of the CCP, the petitioner has alleged that orders dated 1.9.1989 were received by the respondents on 16.9.89. This CCP was filed in September, 1991.

2. After perusal of the CCP and hearing the learned counsel for the petitioner, we are of the view that this petition is barred by time in view of the provisions of Section 20 of the Contempt of Courts Act, 1971. Section 20 *ibid* is reproduced below:

"20. Limitation for action for contempt.- No court shall initiate any proceeding for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed."

From the above provisions of the Act, it is clear that no court can initiate any proceeding for contempt, either on its own motion or otherwise after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.

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3. Learned counsel for the petitioner contended that it is a case of continuing contempt and, as such, the bar of one year is not applicable. We are not impressed by this contention as Section 20 of the Act ibid places an absolute restriction on the power of the court to initiate proceedings for contempt after the expiry of a period of one year from the day on which the contempt is alleged to have been committed. Section 20 would be rendered redundant if it were to be taken as correct that once contempt is committed, unless it is purged, it continues to be committed every day and every moment, and therefore action can be taken against the contemner at any time, because every act of contempt will ordinarily mean recurring contempt from day to day and from moment to moment unless it is purged by an order of the court (Dineshbhai v. Kripalu Co-operative Housing Society, AIR 1980 Guj. 194 at p. 197).

4. Another plea pressed before us was that as the Union of India had filed an SLP before the Hon'ble Supreme Court against the judgment of the Tribunal, the petitioner did not move the Tribunal for initiating contempt of court proceedings. This contention also has no legal force. The petitioner has admitted in his petition that the SLP filed by the respondents in the Hon'ble Supreme Court in February, 1990 was dismissed on 7.3.1990. He has also admitted that the stay prayed for by the respondents was not granted by the Hon'ble Supreme Court. The period of one year will be counted after the expiry of four months from 16.9.89 when the copy of the judgment of the Tribunal is said to have been received by the respondents. Seen from that angle, the present petition is barred under the provisions of Section 20 of the Contempt of Courts Act, 1971.

5. In the light of the foregoing discussion, the CCP is rejected as not maintainable.

(P.C. JAIN)
Member(A)

(T.S. Oberoi)
Member (J)