

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

15

C.P.NO.39/96
in
O.A.NO.2125/89

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi this 12th day of August, 1996

1. A.Gajarajulu
 2. A.Usha
 3. Ms. N.Shyamala Devi
 4. N.Shivakameshwari
 5. Mrs. K.Seetha
 6. R.Meera Bai
 7. S.Ranibai
 8. S.Rajakumari
 9. R.Padmapriya
 10. Mrs. Kalavathi
 11. Mrs. K. Geetha
 12. V.Kalaismudha
 13. Sasikala
 14. K.Revathi
 15. R.C.Revathi
 16. C.Chandra
 17. T.Kangaraj
 18. Rajan S.
 19. Murlikrishnan
 20. David Prasantha Rao
 21. S.Mohan
 22. P.N.Vanaja
 23. K.Poongodi
 24. Komalavalai
 25. S.R.Usha Rani
 26. G.Kanagaraj
 27. S.Mallika Bai
 28. J.Nelson Johnson Archur
 29. P.Jayaraman
 30. P.Sridhar
 31. Prichilla
 32. P.Parvathi
 33. Rukmani
 34. Madhusudanan
 35. R.Meera
 36. C.V.Kamalakumari
 37. S.Surendran
 38. N.Susi Kumar
 39. A.Parvathy
 40. G.Revathy
 41. V.Srikrishna Ganesh
 42. Reeta Marry
 43. A.Rajini Kumari
 44. B.Sujatha
- ... Petitioners

(By Mrs. Moolchandani, Advocate)

Vs.

Union of India through

1. Secretary
(Shri Masihu Zaman)

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Contd.....2/-

Ministry of Railways
Rail Bhavan
Rafi Marg
NEW DELHI.

2. General Manager (Shri V.K. Agnihotri)
Southern Railway
Madras Division
Madras - 3

3. Divisional Railway Manager
Madras Division
Southern Railway
Madras - 3.

... Respondents

(By Shri R.L. Dhawan, Advocate)

O R D E R (Oral)

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)

Heard.

2. Shri R.L. Dhawan, learned counsel on behalf of the respondents has raised the preliminary objection to this Contempt Petition on the ground of delay. He refers to the Judgment of the Karnataka High Court in Venkata Ramanappa Vs. D.K. Naikar & Another (1978 Cr. L.J. 726(Karnataka)).

In this case, the High Court has held that Section 20 of the Contempt of Courts Act, 1971 operates as an absolute bar to initiation of contempt proceedings after expiry of the period of one year limitation. Learned counsel for the respondents, therefore, submits that this Contempt Petition, which has been filed on 15.12.1995 against the non-implementation of an order dated 10.1.1991 is barred by limitation under Section 20 of the Contempt of Courts Act, 1971.

3. The learned counsel for the applicant, submits that this is a continuous cause of action and therefore, this case

Contd.....3/-

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is not barred by limitation. She also submits that as a matter of fact, there is an earlier Judgment of this Tribunal in OA No.810/87 dated November 10, 1987 which is also not implemented. In the circumstances, she prays that the contempt proceedings may be continued.

4. We have considered the matter carefully. Section 20 of the Contempt of Courts Act, 1971 provides that no Court shall initiate any proceedings 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. Having regard to the provisions of Section 20 of the Contempt of Courts Act, therefore, we are of the view that this Contempt Petition is absolutely barred by limitation. The period of limitation of one year starts from the date on which the contempt is alleged to have been committed. In this case more than eight years have lapsed from the date of the decision in OA No.810/87 dated 10.11.1987 and four years since ^{Re} decision dated 10.1.1991 in OA No.2125/89 against which the contempt proceedings have now been initiated.

5. Therefore, having regard to the above facts and circumstances and the provisions of Section 20 of the Contempt of Courts Act, 1971 this Contempt Petition is barred by limitation and ^{is} accordingly ~~is~~ dismissed. No costs.

R.K. Ahuja
(R.K. AHUJA)
MEMBER(A)

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

/RAO/