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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. CCP 193/90 in
DA 1485/89

DATE OF DECISION: 15.2.1991

Inderjit Oberoi Applicant.

Vs.

Union of India & Ors. Respondents.

CORAM: THE HON'BLE MR. JUSTICE AMITAV BANERJI, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Applicant. ... present in person.

For the Respondents. ... Shri Ashok Mohiley,
Counsel.

(Judgement of the Bench delivered by
Hon'ble Mr. Justice Amitav Banerji,
Chairman)

This CCP is listed for admission and to consider
whether the notice should issue to the respondents for
having committed contempt of court.

The allegation in the CCP is that the Respondents
have termed the judgement of the Division Bench of the
Allahabad Bench of the Tribunal delivered by Hon'ble
Mr. Justice Kamleshwar Nath (VC) and Hon'ble Shri K.J.
Raman (AM), dated 7.8.1989 in review proceedings T.A. 610/86
Inderjit Oberoi Vs. Union of India, as not correct. It is
said that this has the effect of denigrating the Tribunal
in the eyes of the public, by calling a judgement/order
as incorrect,
passed by the Tribunal, which has become final and is
not open to challenge by the respondents.

The grievance of the applicant is that an earlier decision of the Allahabad Bench of the Tribunal which had upheld some right of the applicant, could not be called in question by any party, if/ had become final. That decision could be judicially appealed against by filing an S.L.P. in the Hon'ble Supreme Court. The respondents could urge before the Supreme Court that the order was bad in law or incorrect, but they could not do so before another Bench of the Tribunal, when they had not challenged the aforesaid order before the Supreme Court. He was further aggrieved that the respondents had not filed any SLP against the above decision of the Division Bench at Allahabad, dated 7.8.1969, and it was not open to them to allege even that this was an incorrect judgement. In other words, the applicant feels that this is a fit case in which the notice should be issued to the respondents to appear and show cause why they should not be proceeded against under the provisions of Contempt of Court.

We have heard the applicant and Shri Ashok Muhiley, learned Chief Standing Counsel for the Central Government at Allahabad, who has appeared before us.

Shri Muhiley contended that no case has been made out for issuing any notice for contempt against the respondents and the use of the expression that it was not a/judgement/order did not amount to scandalising the court

in any manner. It was an expression of opinion, which the respondents had and was merely in the nature of an argument. Steps have been taken to file the SLP, but the learned counsel was not able to point out whether the same has been filed or not.

Having heard the applicant and the learned counsel for the respondents, we are satisfied that no case has been made out for issuing any notice to the respondents on this CCP. The mere expression that a particular judgement is incorrect does not scandalise the court. It merely expresses an opinion as to the correctness of the judgement or order. It may amount to mislead the court in case no SLP has been filed before the Supreme Court, but in our opinion, it does not constitute contempt of court. At most such an expression may be used to support an argument.

A contention was raised that the above decision is binding on all the Benches of the Tribunal, as it had not been appealed against and it had become final. True, that would be the position. In that event, if an argument is raised before another Bench of the Tribunal where it is stated that the judgement/order was bad in law and incorrect, either the Court would take notice of the matter and reject the contention as an argument lacking substance, or direct it being referred for the consideration of a Larger Bench. But this

does not scandalise the Court nor does it lowers the status of the Tribunal. The Courts and Tribunals cannot be too sensitive to such pleas and arguments. After all, judgement pronounced by a lower court is usually appealed to higher court or Appellate forum and the principal argument is that the judgement of the court below is incorrect or bad in law. As indicated above, such an argument can be repelled by the Court/Tribunal by a proper order and the Court/Tribunal is not so impervious as not to realise the merits of an argument in this respect.

We, therefore, do not find any merit in the CCP. It is rejected at the admission stage.

I. K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

AMITAV BANERJI
15.2.91
(AMITAV BANERJI)
CHAIRMAN