

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P. NO.252/2006
M.A. NO.1811/2006
IN
O.A. NO.1811/2004

New Delhi, this the 9th day of October, 2006

HON'BLE MR. V.K. MAJOTRA, VICE CHAIRMAN (A)
HON'BLE MR. MUKESH KUMAR GUPTA, MEMBER (J)

Smt. Kuldeep Kaur,
W/o Late Shri Mohinder Singh,
C/o Shri Trilochan Singh,
House No.3859/10, Kanhiya Nagar,
Tri Nagar,
Delhi - 110 035

...Petitioner

(By Advocate:Shri P.S. Mahendru)

Versus

Shri V.N. Mathur,
General Manager,
Northern Railway,
Baroda House,
New Delhi - 110 001

...Respondent

(By Advocate:Shri Shailendra Tiwari)

O R D E R

By Mukesh Kumar Gupta, Member (J)

Heard both sides and perused the pleadings carefully.

2. Willful disobedience of directions issued by this Tribunal contained in order dated 29th July, 2004 passed in OA No.1811/2004 has been alleged in present C.P. Directions issued reads as follows:-

"Having regard to the fact that a representation as submitted is still pending with the respondents, I am inclined to dispose of this OA at the admission stage itself with a direction that they consider the representation as referred to hereinabove together with this OA, treating the same as another representation of the applicants, and to dispose of them of by issuing a reasoned and speaking order



within a period of three months from the date of receipt of a copy of this order. Ordered accordingly."

3. Present C.P. is dated 31.05.2006 but filed on 05.06.2006. Since Registry raised objection regarding limitation, applicant preferred MA No. 1181/2006 under Section 151 CPC, seeking condonation of delay stating that cause of action is of continuous in nature and the limitation prescribed under Section 20 of Contempt of Courts Act, 1971 is inapplicable. Further more, the Tribunal exercise same jurisdiction, power and authority in respect of contempt on itself as a High Court, which is governed under Article 215 of the Constitution of India.

4. Shri P.S. Mahendru, learned counsel for Applicant, during course of hearing forcefully reiterated contentions raised hereinabove and relied upon AIR 1989 CALCUTTA 375 – ***The Tata Iron and Steel Company Ltd. v. Ramniwas Poddar & Ors.*** wherein it has been held that Contempt of Courts Act, 1971 cannot define, limit or regulate the High Courts' power under Article 215 to punish for contempt of itself summarily. Sections 15 and 20 of aforesaid Act are *ultra vires* Article 215. Section 15, however, can co-exist with summary powers of the High Courts only as an alternative or additional procedure so far as Article 215 is concerned and non-compliance thereof will not affect High Courts' power to punish. The said Act also can co-exist as laying down the law for contempt of Courts subordinate to High Courts. Further reliance was placed on AIR 1972 SUPREME COURT 858 – ***R.L. Kapur v. State of Tamil Nadu*** – wherein it has been held that no Act of a legislature could take away that jurisdiction and confer it afresh by

virtue of its own authority. Lastly, reliance was placed on AIR 1989 SUPREME COURT 2285. – ***Firm Ganpat Ram Rajkumar v. Kalu Ram & Ors.*** – to suggest that failure to give possession amounts to contempt of continuing wrong to which Section 20 of the Act would not be applicable. 12

5. The short question, which needs consideration, is whether the mandate of Section 20 of Contempt of Courts Act, 1971 is applicable or not? We may note, at the outset, that Section 20 prescribes limitation period. The same reads as under:

"20. Limitation for actions for contempt. – No court shall initiate any proceedings of 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."

6. Shri P.S. Mahendru, learned counsel, emphasized that there was no delay in filing present Contempt Petition as cause of action was of continuous in nature. Respondents were required to consider his representation along with OA treating it to be another representation and dispose of the same "by issuing a reasoned and speaking order" within certain time limit prescribed therein, as noticed hereinabove. Petitioner has not been informed, at any stage, about the outcome of such consideration, if any, made. Therefore, the next question which requires consideration is whether non-consideration of such aspects by Respondents gives her continuous cause of action?

7. We have bestowed our careful and thoughtful consideration to this aspect also and are of the view that aforesaid directions were to be complied with "within a period of three months" from the date

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Respondents received a copy of the order. Consideration of applicant's representation was a one time exercise to be determined within a time limit as noticed hereinabove. The suggestion made that it was a continuous cause of action, in our considered view, is misplaced. Strong reliance placed on **Firm Ganpat Ram Rajkumar's** case (supra) is unjustified as the facts of said case were that Respondents were required to give possession of the Suit property, which had not been complied with. Failure to give possession was construed to be a "continuing wrong", which is not the factual situation in present proceedings. Therefore, aforesaid judgment is clearly distinguishable. Contempt is a serious matter and it interferes with the rights of those who are found guilty of contempt. It is well settled that orders passed cannot be defeated / circumvented or frustrated by parties by dubious methods adopted and no Courts should allow the party to mislead it and thereby frustrating its order.

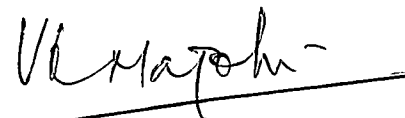
8. As far as reliance placed on judgments on **The Tata Iron and Steel Company Ltd. v. Ramniwas Poddar & Ors** and **R.L. Kapur v. State of Tamil Nadu** (supra) are concerned, we may note that the basic issue there had been about the power of High Courts under Article 215 of the Constitution of India. We may note that this Tribunal has been conferred power to punish for contempt under Section 17 of Administrative Tribunals Act. There is no reference to Article 215 of the Constitution of India therein. On the other hand, it prescribed that the Tribunal shall have and exercise the same jurisdiction, power and authority in respect of contempt of itself as a High Court and for this purpose the provisions of Contempt of Courts

Act, 1971 shall have the effect subject to certain modifications enumerated thereunder.

9. In view of above distinguished features, we find no force in the contention raised by applicant and the aforesaid judgments are accordingly held to be inapplicable. Section 20 prescribes limitation for entertaining contempt proceedings, which is a special statute. Neither provisions of Limitation Act nor CPC thus would become applicable. No law, rule or regulation has been brought to our notice conferring power to condone delay in contempt proceedings.

10. In view of the discussion made hereinabove, we do not find any substance in the contention raised by applicant. Therefore, MA No. 1811/2006 is dismissed. Accordingly, Contempt Petition filed beyond the period of limitation also stands dismissed. No costs.


(Mukesh Kumar Gupta)
Member (J)


(V.K. Majotra)
Vice Chairman (A)
9.10.06

/PKR/