

Central Administrative Tribunal
Principal Bench: New Delhi

CP No.201/96
MA 1714/96
OA 3296/92

2
15

New Delhi this the 26th day of August 1996

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

Sant Ram
S/o Radhey Lal
Khalasi, T.R.D.(Spl.), Northern Railway
New Delhi.

...Petitioner

(By Advocate: Shri D.S.Mahendru)

Versus

1. Shri V.K.Aggarwal
General Manager
Northern Railway
New Delhi
2. I.P.S.Anand
Divisional Railway Manager
Northern Railway
New Delhi.

...Respondents.

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

This CP has been filed by the petitioner who was applicant in OA No.3296/92. The OA was disposed of by order dated 10.9.93 directing the respondents to act strictly in accordance with the directions given in OA No.89/93. The directions given in OA No.89/93 were that the case of the applicants therein for regularisation in Class-III on the basis of prescribed trade test could still be processed by the respondents. Alleging that the respondents had observed the directions contained in the judgement only in breach, the petitioner filed CP No. 275/94. This petition was dismissed by order dated 12.9.94 with the following observations:

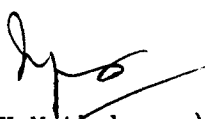
h

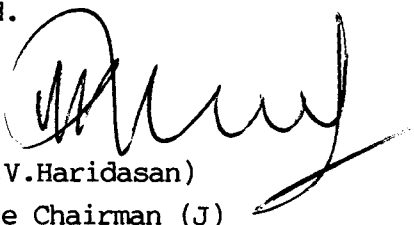
3
16

"It is stated at the Bar that the respondents are treating the petitioner as Class-IV employee. We have carefully gone through the order of this Tribunal and we find that this Tribunal neither expressly nor impliedly prohibited the respondents from doing so. The application has no force and it is dismissed summarily."

Thereafter, alleging that in the month of September 1994 the respondents had reduced the pay of the petitioner and had been given the pay of the post of Group-D, the petitioner has filed this CP praying that action under Contempt of Court may be initiated against the respondents for violation of the Tribunal's directions. As this CP has been filed beyond the period of one year from the date on which the alleged contempt was committed, MA No.1714/96 has also been filed. We have heard learned counsel for the petitioner and also perused the material papers. Prima-facie, this CP cannot be entertained for the reason that this Tribunal cannot initiate action against the respondents in regard to a contempt alleged to have been committed in the month of September 1994. The MA for condonation of delay is misconceived, for, the role of the petitioner in the CP is only to furnish information to the Court that a contempt has been committed by defying the orders of the Tribunal. The onus of taking action under the Contempt of Court Act is on the Tribunal and not on the petitioner. Therefore, for that reason, the MA is misconceived and has only to be rejected.

2. Apparently, we do not find that any contempt has been committed. The CP is, therefore, dismissed.


(K.Muthukumar)
Member (A)


(A.V.Haridasan)
Vice Chairman (J)