

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Contempt Petition No. 14 of 1997
(Arising out of O.A.NO. 881 of 96)

Allahabad, this the 10th day of March 1999.

CORAM : Hon'ble Mr. S.K.Agrawal, Member (J)
Hon'ble Mr. G.Ramakrishnan, Member (A)

K.R.Yadava, son of Sri R.B.Yadava,
r/o. 609-A, Dairy Coloney, N.E.Railway,
Gorakhpur.

.....Petitioner
(BY Shri V.K.Srivastava, Advocate)

Versus

1. Sri Som Nath Pandey, General Manager,
N.E.Railway, Gorakhpur.
2. Sri Ram Deo, Chief Personal Officer,
N.E.Railway, Gorakhpur.
3. Sri R.N.Sachan, Chief Administrative Officer
(Construction) N.E.Railway, Gorakhpur.

.....Opp. Parties
Contemnners

(By Shri Lalji Sinha & P.Mathur,
Advocates)

O R D E R

(By Hon'ble Mr. S.K.Agrawal, Member (J))

This is a Contempt Petition under Section 17 of
Administrative Tribunal Act,1985 arising out of the
order passed in O.A.No. 881/96 on 22-8-96.

Subd

2. This Tribunal vide order dated 22-8-96 issued
the following direction :-

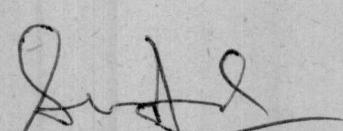
"In view of this fact, it becomes necessary that the pending enquiry be completed. Sri Prashant Mathur seeks eight weeks time to complete the enquiry from the date of receipt of copy of the judgement. We accordingly direct the Respondents to complete the enquiry and the final conclusion be reached within the said period of eight weeks. The applicant is also directed to cooperate during the enquiry because non-cooperation will not bind the respondents for completion of the enquiry in the said period.

As regards the reliefs in Clause 8(B) and 8(C), the learned counsel does not press. More-over these reliefs may always be available after the final decision in the departmental proceedings is taken.

With these directions the O.A. stands disposed off."

3. It is stated that inspite of the directions of this Tribunal to complete the enquiry within eight weeks time the opposite party did not complete the enquiry before the retirement of the applicant i.e. 31-1-97 and deliberately did not comply with the orders of this Tribunal. Therefore a prayer has been made to punish the alleged contemners for wilful disobedience.

4. Show cause was filed by the alleged contemners. It is stated in the Counter that an application for extension of time to complete the enquiry was made on 20-2-97 and this Tribunal granted four months time to complete the enquiry and opposite party also wrote to Enquiry Officer to complete the Enquiry at an early date, but due to delaying tactic adopted by the applicant the enquiry could not be completed within the stipulated



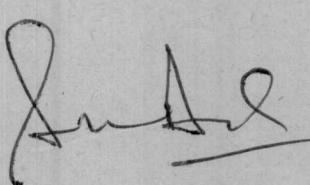
time and there was no deliberate/wilful disobedience on the part of the opposite parties. Therefore this application is devoid of any merit and liable to be dismissed.

5. Rejoinder and Supplementary Rejoinder has also been filed which are on the record.

6. Heard the learned lawyers of the parties and perused the whole record.

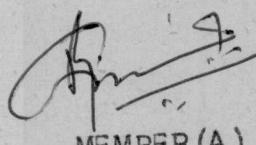
7. Disobedience of Court's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemners to disobey the order of this Tribunal was intentional. Mere delay in compliance of the directions/order of this Tribunal does not constitute contempt unless it is wilful.

8. In the instant case delay in completing the enquiry does not appear to be wilful/intentional on the part of the opposite parties. It is the duty of the Departmental Authorities to complete the enquiry proceedings within reasonable time. But it is also imperative on the part of the delinquent to cooperate with the enquiry so that it can be completed within the time. The alleged contemners can only be punished for deliberate/wilful disobedience of the order/directions issued by this Tribunal. As no case of wilful disobedience on the part of the alleged contemners could be established by the applicant, therefore this

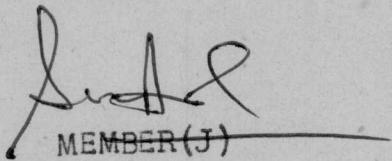


contempt petition fails and liable to be dismissed.

9. We, therefore dismiss this contempt petition and notices issued against the alleged contemners are hereby discharged.



MEMBER (A)



MEMBER (J)

/satya/