

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

CONTEMPT PETITION NO.40 OF 1998
(Arising out of O.A.No.1307 of 97)

Allahabad, this the 10th day of March, 1999.

Alok Kulshresth

.....

.....PETITIONER


VERSUS

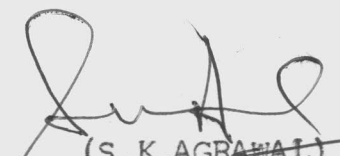
1. Shri Amal Kumar Bhatnagar,
Post Master General, Agra.
2. Shri Ram Dulare Yadav,
Superintendent of Railway Mail
Services X Division (R.M.S.)
Jhansi.
3. Chandra Mohan,
Sub record Officer X Division,
R.M.S. Agra Fort.

.....OPP. PARTIES
CONTEMNERS

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the
Central Administrative Tribunal or not ?


(G. RAMAKRISHNAN)
MEMBER (ADMN.)


(S.K. AGRAWAL)
MEMBER (JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

(5)

Contempt Petition No.40 of 1998
(Arising out of O.A.No.1307 of 97)

Allahabad, this the 10th day of March, 1999.

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

Alok Kulshresth, son of Sri Ramashankar Kulshresth
R/o. Section 7 2249 E W S Shikendra Awas Yozana,
Agra.Petitioner.

(By Shri M.K.Upadhyay, Advocate)

Versus

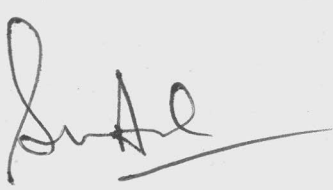
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.....Opp.Parties
Contemners.

(By Km.Sadhna Srivastava, Advocate)

O R D E R

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

 This is an application under Section 17 of
the Admin-istrative Tribunal Act, 1985 arising out of
the order passed on 11-12-97 in O.A.No. 1307/97 on
11-12-97. On 11-12-97 this Tribunal passed the
following interim order :-

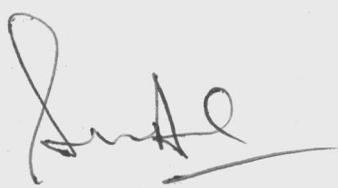
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"There is a prayer for interim relief. The application mentions in paragraph 4.1. that the applicant fulfil the requisite qualification, and that the applicant had directly applied on 9-10-97 which was within time for receiving applications. It is also averred that the name of the applicant was registered in the employment exchange. Hence, respondents are directed to consider the applicant for the post of Extra Departmental Mail Peon for which they have sent requisition to the Employment Exchange. Result of the selection may not be declared till further orders. List this case for order on interim relief on 26-12-97. In the meanwhile short CA may be filed in case respondents have anything to say about interim relief."

2. It is stated by the applicant that the alleged contemners have not considered the name of the applicant inspite of orders of this Tribunal passed on 11-12-97. Therefore prayer has been made to punish the alleged contemners for wilful disobedience.

3. Show cause was filed by the alleged contemners. It is stated in the counter that the following order was communicated to the opposite party on 19-12-97 :-

"Result of the selection may not be declared till further orders. In the meanwhile short C.A. may be filed in case respondents have anything to say about interim relief. C.A. may be filed within 06 weeks."



Which is clear on perusal of notice dated 15-12-97 issued by the Registrar, Central Administrative Tribunal, Allahabad. It is stated that only second part of the Interim Order was communicated to the opposite

party i.e. not to declare the result. It is also stated that applicant did not file any application to the opposite party for the appointment of E.D. Mail men Agra. The selection process was finalised on 16-12-97 but result has not been declared so far. Therefore, no case of wilful disobedience on the part of the alleged contemners is made out and this application is devoid of any merit and liable to be dismissed.

4. Rejoinder has also been filed which is on record.

5. Heard the learned lawyer for the parties and perused the whole record.


6. 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.

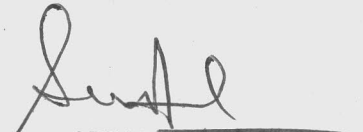
7. In the instant case no case of wilful/deliberate disobedience on the part of the alleged contemners ~~can~~ could be established by the applicant. The Interim Order which was communicated to the opposite party was not to declare the result, and in pursuance of that order result has not been declared so far. Applicant ~~failed~~ failed to prove the fact that he himself has served a copy of the interim order dated 11-12-97 to the opposite party. No direct application appears to have been filed by the applicant in pursuance of the notification issued for the recruitment of E.D. Mail Men , Agra.

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(8)

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


MEMBER (A)


MEMBER (J)

/satya/