

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Contempt Petition No. 48 of 1998
(Arising out of O.A.No.628 of 1994)

Allahabad, this the 16 th day of February 1999.

M.R.Garg, S/o. Late Sri J.P.Garg,
Sub Postmaster, Mansurpur Post Office,
Distt.Muzaffarnagar.

.....PETITIONER

VRS.

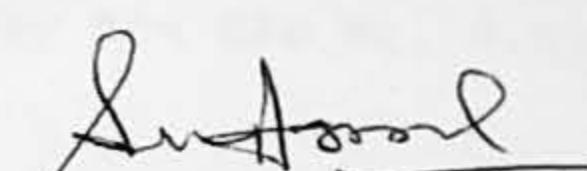
1. Mr.J.N.Arora,
Sr.Suptd.of Post Offices,
Muzaffarnagar, U.P.

2. Mr.R.S.Gupta,
P.M.G. Dehradun,
Office of the P.M.G. Dehradun, U.P.

.....Respondents
Contemnners

(FOR INSTRUCTIONS)

1. Whether it be preferred to the reporters or not? yes
2. Whether it be circulated to all the Benches of No the Central Administrative Tribunal or not?


(S.K.AGRAWAL)
MEMBER(J)


(S.DAYAL)
MEMBER(A)

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Contempt Petition No. 48 of 1998
(Arising out of O.A.No.628 of 1994)

Allahabad, this the 16th day of February 1999.

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

Sri M.R.Garg, S/o. Late Sri J.P.Garg,
Sub Postmaster, Mansurpur Post Office,
Distt. Muzaffarnagar.

.....PETITIONER
(By Shri K.P.Srivastava, Advocate)

Vs.

1. Mr. J.N.Arora,
Sr.Supt. of Post Offices,
Muzaffarnagar, U.P.
2. Mr. R.S.Gupta, P.M.G., Dehradun,
Office of the P.M.G., Dehradun. U.P.

.....Respondents
Contemnners

(By Shri N.B.Singh, Advocate)

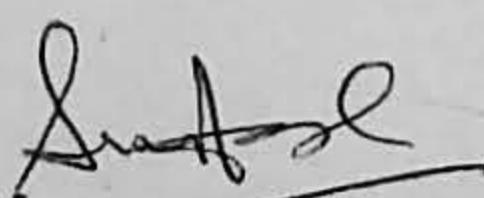
O R D E R (Reserved)

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

This is an application under section 17 of Administrative Tribunal Act, 1985 arising out of the order passed in O.A. No. 628/94 on 24-10-97.

2. This Tribunal vide order dated 24-10-97 issued directions as below :

"It is considered expedient that the respondentss should be directed to conduct a fresh enquiry to establish or otherwise about the unauthorised occupation of the quarter by the applicant by allowing the applicant to produce documentary evidence in support of his case before the Fnquiry Officer and also providing opportunity of cross examination of the witnesses produced by the administration. The enquiry shall be completed within the period of 3 months from the date of receipt of the judgement. If the claim of the



applicant is established, the applicant shall be refund the recovery already made and no further recovery shall be made. In case, the claim of the applicant is not established then the applicant shall be replied through a speaking order within the same period of 3 months."

3. It is submitted by the applicant that the opposite party intentionally and deliberately disobeyed of the directions given in para 9 of the judgement, therefore, the applicant prayed for punishing the opposite parties for willful disobedience of the order/directions of this Tribunal passed on 24-10-97 in Original Application No.628/94.

4. Show cause was filed by the alleged contemnors. It is stated by the alleged contemnors in the counter that the directions of this Tribunal were fully complied with within the time stipulated, therefore there is no disobedience of the orders/directions of this Tribunal passed on 24-10-97 in O.A. No. 628/94. Alleged contemnors held fresh enquiry as per directions in para 9 of the order dated 24-10-97 after affording full opportunity to the applicant and thereafter a reasoned and speaking order was passed on 20-2-98 which the applicant has challanged in O.A. 529/98. It is also stated that even if this Tribunal comes to the conclusion that any contempt has been committed by the alleged contemnors they tender unconditional apology for the same. Rejoinder was filed which is on record.



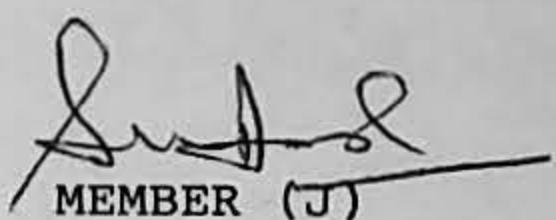
5. Rejoinder has also been void which is on record.

6. Heard the learned lawyers for the parties and also perused the whole record.

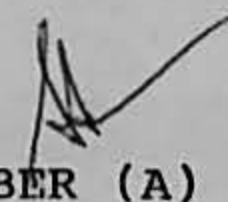
7. Disobedience of Court's order constitute contempt only when it is willful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemners to disobey the order of this Tribunal was intentional. If this is not proved, then it can be said that applicant failed to establish the contempt against the alleged contemners. Merely that the alleged contemners did not comply with the orders of this Tribunal in time is not sufficient unless it is proved that the delay is intentional or deliberate.

8. In the instant case the alleged contemners held fresh enquiry and thereafter order dated 20-2-98 was passed which is under challanged in O.A. No. 529/98. Therefore we are of the considered opinion that in the facts & circumstances mentioned above the case of contempt against alleged contemners is not made out and this contempt petition fails.

9. We, therefore dismiss this Contempt Petition without any merit and notice issued to the alleged contemners is discharged.



MEMBER (J)



MEMBER (A)

Satya/15299