

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Contempt Petition No. 6 of 1998
(Arising out of O.A.No.1372/92)

Allahabad, this the 26 th day of Feb 1999.

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

Shree Ram, s/o. Ram Dhani,
r/o. Village & Post Hussainganj,
District - Fatehpur.

.....Petitioner

(By Shri Rakesh Verma, Advocate)

Versus

1. Shri J.K.Goyal, Commissioner of
Income Tax (Field Pay Unit),
Allahabad.
2. Shri Bharat, Income Tax Officer,
Fatehpur.

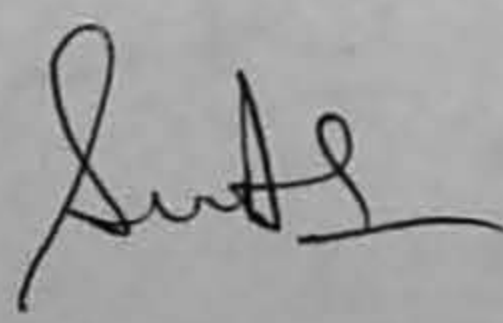
.....Contemners.

(By Shri Amit Sthalekar, Advocate)

O R D E R

(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 Original Application No.1372 of 1992
on 29-5-1997.

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2. This Tribunal vide order dated 29-5-97 issued
directions as below :-

"In view of the above, we dispose of this
application with the direction to the respondents

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to pay salary to the applicant at the rate of minimum of scale with usual allowances but without increment applicable to regular employees of group 'D' w.e.f. 16-10-1991. Benefit of corresponding Dearness allowance and A.D.A. shall also be paid together with other benefits which are enjoyed by the employees of the same category."

3. It is stated by the applicant that the judgement of this Tribunal dated 29-5-1997 was not complied with by the alleged contemnors with a view to harass the applicant, therefore a prayer has been made to punish the alleged contemnors for contempt.

4. Show cause was filed by the alleged contemnors. It is stated in the Counter that the directions of this Tribunal have been fully complied with. It is also submitted that this Tribunal granted the time till 31-3-1998 for implementation of the order/direction issued in Original Application No. 1372/92 on 29-5-1997. At the end it was stated in the Counter that if this Hon'ble Tribunal comes to the conclusion that the opposite party has in any way disobeyed or flouted the orders of this Tribunal the opposite parties offer unconditional apology and undertake to abide the directions of this Tribunal.

5. Rejoinder has been filed stating that the directions of this Tribunal in order dated 29-5-97 have not been fully complied with.

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

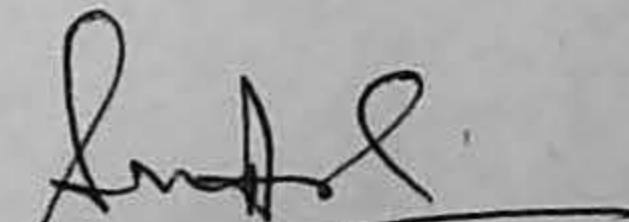
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7. Disobedience of Court's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemnors to disobey the order of this Tribunal was intentional. If this is not proved,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

8. In the instant case no wilful/deliberate disobedience of this Tribunal's order/direction could be established against the alleged contemnors.

9. We, therefore, dismiss this Contempt Petition and notices issued against the alleged contemnors are discharged.


MEMBER (A)


MEMBER (J)

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