

CCA 200/01

OA 310/99

Piyush Verma

Vs. Union of India and Ors

21.11.2001

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

We have heard Shri A.B.L.Srivastava learned counsel for the applicant. By this application u/s 17 of A.T.Act 1985 the applicant has prayed that the respondents may be punished for committing contempt of this Tribunal. This tribunal vide order dated 29.5.2001 passed in OA 310/99 gave the following direction:

"Considering the facts and circumstances of the case, we dispose of this OA finally with liberty to the applicant to make a detailed representation, mentioning all facts which have been mentioned in this OA, before respondent no.2 within a period of one month. The representation, if so filed, shall be considered and decided by a reasoned order after giving personal hearing to the applicant within a period of two months. Till the representation is decided or for a period of two months whichever is earlier the recovery of the amount shall remain suspended. In case the applicant's contention is accepted, the entire amount recovered shall be paid back to him. The OA is disposed of accordingly. There shall be no order as to costs....."

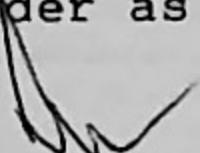
It is not disputed that in pursuance of the order mentioned above respondent no.2 has decided the representation of the applicant by order dated 31.8.2001 i.e. well within the time allowed by this Tribunal. He also gave personal hearing to the applicant on 21.8.2001. The order is a detailed order. In the circumstances, it is

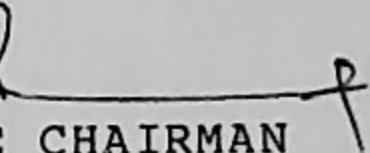
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difficult to say that order has been willfully disobeyed so as to make out a case ^{in to punish u} for ~~for officiating~~ respondent no.2, for committing contempt of this Tribunal.

Learned counsel for the applicant invited our attention towards some facts to show that the order passed by the respondents no.2 is misconceived, but we are of the opinion that even a misconceived order passed bona fide cannot render him ~~liable~~ ^{to hold up} for contempt of the Tribunal. If the applicant is dis-satisfied with the order he may challenge it on the original side.

The contempt application is dismissed. Notices are ~~discharged~~. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 22.11.2001

Uv/