

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

(5)

Contempt Application No. 71 of 2001

In

Original Application No. 896 of 1995

Allahabad this the 20th day of November, 2001

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj Gen K.K. Srivastava, Member (A)

Arun Kumar S/o Sri R.R. Sharma, Guard, N.Rly.,
Tundla, R/o House No.21/D/1, Kala Danda, Himmatganj,
Allahabad.

Applicant

By Advocate Shri K.S. Saxena

Versus

Shri A.P. Mishra, Divl.Railway Manager, Northern
Railway, Allahabad.

Respondent

By Advocate Shri A.K. Gaur.

O_R_D_E_R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this application under Section 17
of the Administrative Tribunals Act, 1985, the
applicant has prayed that the respondent may be
punished for committing contempt of this Tribunal.

2. The facts are that this Tribunal vide
order dated 04.09.00 passed in O.A.No.896 of 1995
gave following directions;

"The application is accordingly disposed of
finally with the direction to respondent no.2
to decide the representation of the applicant

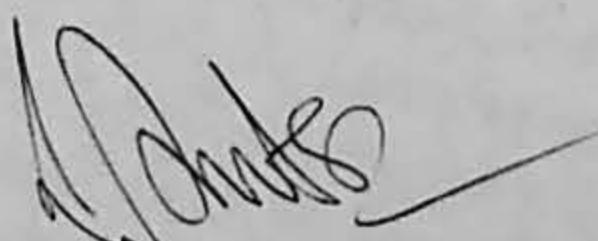
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(b)

within three months from the date of a copy of this order is filed before him in accordance with law after hearing the parties concerned. In order to avoid delay, it is provided that it shall be opened to the applicant to file a fresh representation alongwith copy of this order before respondent no.2. No order as to costs."

2. The respondents in pursuance of the aforesaid order, passed order on 10.11.2000, copy of which has been filed as annexure C.A.2 to the counter-affidavit. The representation of the applicant has been rejected for the reasons stated in the order. Learned counsel for the applicant has submitted that the respondent has wilfully disobeyed the order by not giving opportunity of hearing to the applicant before passing the order. However, this fact has not been pleaded in the contempt application. In [✓] Para-3, the applicant has felt satisfied only by saying that the order has been wilfully and deliberately not complied with. If the applicant was aggrieved by not giving an opportunity of hearing, this fact should have been mentioned in his pleadings. If the applicant is dissatisfied with the order, he can challenge the same on regular side.

3. In the circumstances, we do not find that any case of contempt is made out. The contempt application is accordingly dismissed, notices are discharged.


Member (A)


Vice Chairman