

C.C.A.123/04
in
O.A. 465/98

14.02.2005

Hon.Mr. Justice S.R. Singh, V.C.
Hon.Mr. S.C. Chaube, A.M.

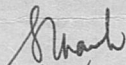
Heard, Shri A.B.L. Srivastava counsel for the applicant.

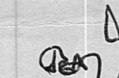
This contempt application has been instituted on the ground of alleged non compliance of the order dated ~~xxxxxx~~ 12.11.2003 passed by the Tribunal while disposing of O.A.No.465/98 in terms of following order:-

"Since we are holding that there was no justification for the respondents for making delayed payment, applicant would also be entitled to the cost of Rs.2500/-. However, I have no power to grant any compensation, therefore, that relief is rejected. Respondents shall compute the arrears to be paid to the applicant after calculating the interest ~~xxxxxx~~ @ 9% w.e.f. May, 1996 i.e. after 3 months from the date of his retirement till the date when he was actually paid the amounts, and pay the same to applicant. This exercise shall be completed within 2 months from the date of receipt of a copy of this order.

The petitioner had earlier filed a contempt petition being C.C.A.No.39/04 alleging non compliance of the self same order. The said contempt petition came to be dismissed vide order dated 10th day of May, 2004 holding that "we are satisfied that the respondents have complied with the orders passed by the Tribunal in O.A.No.465 of 1998."

Having heard the counsel for the applicant, we are of the view that present contempt petition is not maintainable. Having approached the Tribunal earlier in the contempt petition on the self same cause of action, the applicant cannot be permitted to invoke the contempt jurisdiction again in view of the findings ^{referred} ~~that~~ in earlier contempt petition ~~it was specifically held~~ that the order of Tribunal had been complied with. Accordingly, the contempt petition is dismissed.


A.M.


V.C.

/m.m./