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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

C.C.P. No. 170 of 1994

IN

O.A. No. 238 of 1986

Dated: 02nd December, 1994

Hon. Mr. S. Das Gupta, A.M.
Hon. Mr. T.L. Verma, J.M.

Nanak Chand, son of Shri Chhote
Lal, R/o 39, Om P^Urwa, Opposite
Sursa Mandir, Chakeri Road,
Post Harjinder Nagar, Kanpur Petitioner
(By Advocate Sri Deepak Jaiswal)
Versus

A.S. Bhattacharjee, General Manager,
Ordnance Parachute Factory, Kanpur ... Respondent.
(By Advocate Sri)

O R D E R

(By Hon. Mr. S. Das Gupta, Member(A))

Heard Sri Deepak Jaiswal, learned counsel
for the applicant.

This contempt petition has been filed for
the alleged non-compliance with the directions
contained in the judgment and order dated 4.8.1987
passed by a Bench of this Tribunal in O.A. No. 238
of 1986. In the aforesaid case, the applicant
was working as Assistant Store Keeper and he was
served with a charge memo. The applicant was
found guilty of the charges and the disciplinary
authority imposed the penalty of withholding three
increments for a period of 3 years without cumulative

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effect. This was challenged on the ground that the authority who initiated the disciplinary proceedings was not competent to initiate the same. The applicant's suit was dismissed by the Munsif's court and the District Judge, Kanpur allowed the appeal against the order of the Munsif's court. The respondents filed an appeal against this order which was pending in the High court of judicature at Allahabad. The matter which fell for adjudication by this ~~Board~~ Tribunal in the aforesaid O.A. was the legality of the action of the respondents in not considering the applicant due to pendency of the disciplinary proceedings. The O.A. was disposed of by the following directions;

" Accordingly we direct the respondents to take action in accordance with the instructions contained in the above-mentioned OM of 30.10.1982 and set up a DPC to consider the fitness of the applicant for promotion to the higher post as on the date his immediate juniors were considered and to keep the findings of the committee in sealed cover to be opened on the conclusion of the inquiry."

2. It has been stated in the present application that the aforesaid direction of the Tribunal has not been complied with by the respondents. We have seen from the order that ~~the~~ no time limit was fixed for compliance with

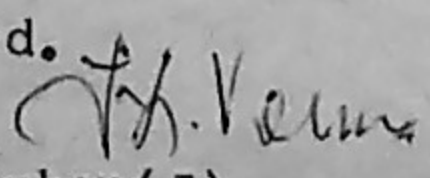
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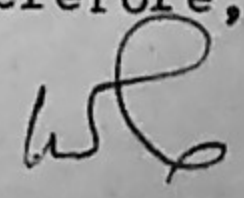
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- 3 -

the said directions. In such cases , the time which is ~~now~~ normally allowed to the respondents is 6 months for compliance with the direction. Reckoned from a date 6 months from the date of the order, the present application for contempt has been filed much after expiry of 1 year from the date by which an order was to be complied with. At this stage, therefore, no proceedings for contempt can be initiated. The learned counsel for the applicant strenuously argued that the contempt has been committed by the respondents by the issue of the order dated 29.10.1992 (Annexure- A 5) in which it has been stated that his case should be considered only in July, 1992 since the vacancy which arose earlier was reserved for S.C. candidates. We are unable to accept his contention that the alleged contempt of court has been committed by issuing of the letter dated 29.10.1992 . Contempt of the court, if at all, has been committed much before this period , in case, the direction of the Tribunal dated 4.8.1987 was not complied with. Since more than 1 years have passed after the period of compliance expired, we cannot take cognizance of this contempt petition since no proceeding can be initiated at this stage.

3. The contempt petition, is therefore, dismissed.


Member (J)


Member (A)

(n.u.)