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CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

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Registration T.A.No. 1525 of 1986
(Misc. Case No. 30 of 1984 in O.S.
No. 417 of 1982)

M.P.Menonvs. . . S.K.Agrawal and another.

Hon'ble Justice Shri G.Ramanujam, Vice Chairman,
Hon'ble Shri Ajay Johri, Member(A).

(Delivered by Hon. G.Ramanujam, V.C.)

This application for contempt ~~proceedings~~
under the Contempt of Courts Act, 1971, was originally
filed as Misc. Case No. 30 of 1984 ^{in O.S. no 417 of 1982} on the file of
court of Munsif IX, Jhansi. After the constitution
of Central Administrative Tribunals the main case
(O.S.No. 417 of 1982) as also this contempt petition
(Misc.Case No. 30 of 1984) stood transferred to the
file of this Tribunal by virtue of Section 29 of
the Administrative Tribunals Act.

O.S.No. 417 of 1982, which stood trans-
ferred to this Tribunal, has been disposed of on
merits and there is no controversy ^{now} as regards
that subject-matter.

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This application relates to the contempt
proceedings initiated by the applicant during the
pendency of O.S.No. 417 of 1982. The contempt

alleged in this application consists of the following facts;

Applicant, M.P. Menon, filed Suit No. 417 of 1982, against the Department, in the court of Munsif IX, Jhansi. One Gulab Chand was summoned for giving evidence and deposing as a witness in the said suit. Consequent upon Gulab Chand's having given evidence as a witness in that suit, the respondents by an order dated 18.6.1984 ordered the retention of settlement dues amounting to Rs. 2,000/- of the said Gulab Chand. The applicant filed this application for taking action against the respondents under the Contempt of Courts Act on the ground that the action taken by the respondents in passing the order dated 18.6.1984 amounted to contempt of court.

According to the applicant, no action could be taken against a person for giving evidence in a court of law, and, if such actions are permitted, it will clearly amount to interference with the administration of justice ~~and with the course of law~~; and, therefore, the order dated 18.6.1984 passed by the respondents directing retention of Rs. 2000/- from the settlement dues due to the said Gulab Chand on the sole ground that he gave evidence in a court of law, cannot legally be sustained ^{as} ~~and~~ it also amounts to interference with the course of justice, which clearly amounts to contempt of court.


Om

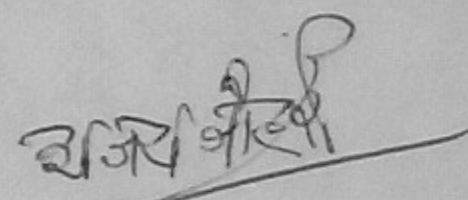
The facts are not in dispute. The said Gulab Chand, against whom the order dated 18.6.1984 has been passed by the respondents, was examined as a witness in O.S.No. 417 of 1982 filed by the applicant in the court of Munsif IX, Jhansi. The order dated 18.6.1984 on the face of it clearly shows that the retention of Rs. 2,000/- from the settlement dues due to the said Gulab Chand was ordered only for his conduct in giving evidence in a court case. It is by now well established that any penal action taken against a witness for deposing in a court of law will clearly amount to interference with the course of justice and such a penal action cannot be tolerated by courts as that will not only lead to miscarriage of justice but will also become a deterrent for persons who will be willing to come as a witness before a court of law and speak the truth. Thus, the respondents in this case are not legally justified to initiate the penal action to retain a sum of Rs. 2,000/- from the settlement dues due to the said Gulab Chand, who was examined as a witness in O.S. No. 417 of 1982, and their conduct in issuing the order dated 18.6.1984 clearly amounts to contempt. Whether the said Gulab Chand was examined on the side of the applicant or on the side of the Department, the position remains the same and no action could be taken against him for appearing as a witness in a court of law except when he is proceeded against for giving false evidence, which is not the case here.

However, though we hold that the communication dated 18.6.1984 directing the retention of

Rs. 2,000/- from the settlement dues due to the said Gulab Chand merely for the reason that he gave evidence as a witness in a court of law amounts to a contempt, yet we do not proceed to take any further action except to direct the respondents to release the sum of Rs. 2,000/-, which has been withheld by the said order dated 18.6.1984, to the said Gulab Chand with simple interest at the rate of 9% from the date of retention, i.e. 18.6.1984, till the date of payment. We further direct the respondents to comply with this order within a period of three months from this date.

This application (Misc. Case No. 30 of 1984) is disposed of accordingly.


Vice Chairman.
February 17, 1987.
R.Pr./


Member (A).