

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Contempt Petition No.78 of 1994  
(Arising out of O.A.No.1436 of 92)

Allahabad, this the 26 th day of Feb 1999.

CORAM : Hon'ble Mr. S.K.Agrawal, Member (J)  
Hon'ble Mr. G.Ramakrishnan, Member(A)

Shri Shyamal Hazara,  
S/o. Shri Radhey Shyam Hazara,  
R/o. Qr.No.GI/454,  
Armapur Estate,  
Kanpur-9

.....Petitioner

(By Shri M.A.Siddiqui, Advocate)

Versus

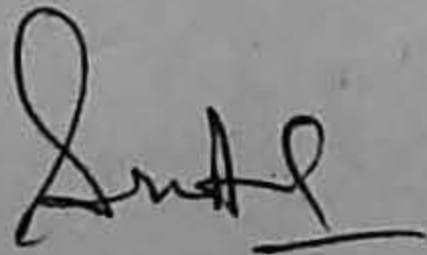
1. Sri A.K.Rastogi,  
General Manager,  
Ordnance Factory Cawnpore,  
Kanpur.
2. Shri Rajiv Agarwal,  
Dy. General Manager (Admn.)  
Ordnance Factory Cawnpore,  
Kanpur.

.....Opp.Party.  
Contemners.

(By Shri Amit Sthalekar, Advocate)

O R D E R

(By Hon'ble Mr. S.K.Agrawal, Member(J) )

 This is an application under Section 17 of Administrative Tribunal Act, 1985 arising out of the order passed in Original Application No. 1436 of 1992 on 23-3-1993. This Tribunal vide order dated 23-3-93 issued directions as below :-

"In this view no case for interference has

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been made out. As far as the suspension order is concerned, charge-sheet having been served upon the applicant and enquiry having started, no case for interference with suspension order too has been made out. But the respondents are directed to complete the Inquiry within a period of three months from the date of communication of this order. The applicant shall fully cooperate in the Inquiry. The respondents will see the relevant documents are given to the applicant. Even if the some documents are not given the applicant shall not take that as a ground for not allowing the Inquiry go ahead. But for the above directions the application is dismissed. No order as to costs."

2. It is stated by the applicant that the opposite party intentionally and deliberately disobeyed the directions given by this Tribunal in order dated 23-3-93 inspite of the fact that copy of the order was served upon the respondent No.3 on 31-5-93. Therefore the applicant makes a prayer for punishing the opposite party for wilful disobedience of the order/directions of this Tribunal passed on 23-3-93 in Original Application No.1436 of 92.

3. Show cause was filed by the alleged contemners. It is stated in the Counter that directions were given on 23-3-93 in Original Application No. 1436/92 to complete the Inquiry within 3 months, but opposite party filed an application to extend time by six months and this Tribunal granted 6 months time vide order dated 7-4-94. It is further stated that it was a combined/joint Inquiry against nine



charged employees in which 36 witnesses were to be examined and because of dilatory tactics of the charged employee and Defence Assistance, the enquiry was not completed in time. It is also stated that order of suspension of the application was revoked as per directions of this Tribunal's order vide order dated 7-4-94, but the applicant was suspended in another enquiry vide order dated 1-10-93. Therefore the applicant continuous to be under suspension. It is submitted that there was no deliberate or wilful disobedience on the part of the alleged contemners. Supplementary C.A. was also filed. In Supplementary Counter Affidavit it was stated that suspension of the applicant in another Departmental Enquiry was also revoked w.e.f. 30-11-1996.

4. Heard the learned lawyer for the parties and also perused the whole record.

5. Disobedience of Court's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemners to disobey the order of this Tribunal was intentional. Mere delay in compliance of the directions/ order of this Tribunal does not constitute contempt unless it is wilful.

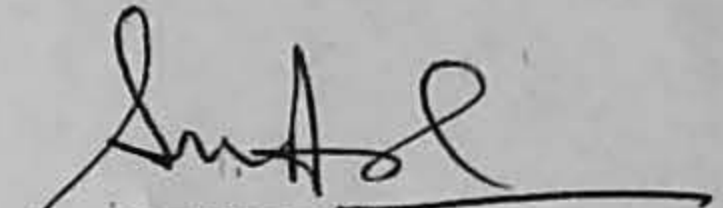
6. In the instant case, in view of the detailed submissions made by the alleged contemners in Counter Affidavit/Supplementary Counter Affidavit no inference of intentional/wilful disobedience can be drawn against

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the alleged contemners. Therefore this Contempt Petition fails and is liable to be dismissed.

7. We, therefore dismiss this Contempt Petition and notices issued to the alleged contemners are hereby discharged.

  
MEMBER(A)

  
MEMBER(J)

/satya/