

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Contempt Petition No.1358 of 1993  
(Arising out of O.A.No.574 of 93)

Allahabad, this the 10th day of March 1999.

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

Santosh Kumar Srivastava,  
Group Centre C?R.P.F. Rampur,  
son of Sri Kashi Prasad Srivastava,  
r/o. Village Deshipur,  
P.O. Chandapur,  
Via Vishnupur, Distt.Fatehpur, U.P.....PETITIONER

(By Sri Madan Lal Srivastava, Advocate)

Versus

1. Sri D.P.N.Singh, D.G. Central Reserved  
Police Force, New Delhi.
2. Sri A.K.Kothariya, Addl.D.I.G. G.C. Central  
Reserved Police Force, Rampur.

.....Opp.Parties  
Contemners.

(By Km.S.Srivastava, Advocate)

ORDER

(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 O.A.No.574/93 on on 15-4-1993.

2. This Tribunal vide its order dated 15-4-93  
gave the following directions :-

"Accordingly, the respondents are directed to  
consider the pleas raised in the representation  
of the applicant and dispose it of with suitable  
orders within one month from the date of

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communication of this order. Till such time the representation is not disposed of, the applicant may be allowed to continue in the present post. The application stands disposed of accordingly with no order as to costs."

3. It is stated by the applicant that the applicant served a copy of the order dated 15-4-93 upon respondent No.1 personally on 23-5-93 and copy of the order dated 15-4-93 alongwith an application were sent to respondent No.2 by U.P.C., but respondents did not dispose off the representation of the applicant in time. It is also stated that respondents also did not permit the applicant on duty and not paying the salary. Therefore a prayer has been made to punish the alleged contemners for contempt.

4. Show cause was filed. It is stated in the counter that order dated 15-4-93 was communicated to the opposite parties by the Court on 4-6-93. However, a photostat copy of the order dated 15-4-93 was received on 7-5-93 which was unsigned and not attested by anyone. It is also stated that the petitioner was asked to report on duty vide office letters mentioned in para-10 of the counter, but he did not report on duty. It is further stated that the D.G., C.R.P.F. vide its order dated 9-9-93 has already disposed off his representation and the applicant was allowed to continue the present post till his disposal of representation vide order dated 06-8-93 of Dy. Director (Admn.) and accordingly GCO RPR was asked to allow the petitioner to continue the present post till his representation is disposed off vide letter dated 10-8-93. It is further stated

that the period w.e.f. 6-4-93 to 14-9-93 has already been regularised as L.H.P. with no leave salary under Rule 25(1) CCS(Leave Rules) 1972. Hence the applicant was not entitled to salary and this application is devoid of any merit and liable to be dismissed.

5. No Rejoinder has been filed.

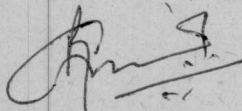
6. Disobedience of Court's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemnors to disobey the order of this Tribunal was intentional. Mere delay in compliance of the directions/ order of this Tribunal does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

7. In the instant case no case of wilful disobedience of the order/directions of this Tribunal could be established by the applicant against the alleged contemnors. On the perusal of the pleadings of the parties it appears that because of the non-communication of the order of this Tribunal representation was not disposed off within time, but it was disposed off vide order dated 9-9-93. It also appears that directions were also issued to continue the applicant on the present post till the disposal of representation. The period of absence from duty was also regularised as IHR. Therefore, the applicant was not entitle for salary for this period.

8. In view of the foregoing discussion, we are of the considered opinion that no case of wilful disobedience could be established by the applicant

against the alleged contemners.

9. We, therefore, dismiss this contempt petition and notices issued against the alleged contemners are hereby discharged.

  
MEMBER (A)

  
MEMBER (J)

/satya/