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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

C.C.P No. 2446 of 1993

IN

O.A. No. 356 of 1992

H.C. Das Amba Applicant.

Versus

Sri M.C. Kaul, Collector
Central Excise and another. Respondent.

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Hon . Mr. S. Das Gupta, Member (A)
Hon. Mr. T.L. Verma, Member (J)

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

This contempt petition has been filed for alleged non-compliance of the directions contained in the Tribunal's judgment and order dated 25.11.1992 in O.A. No. 356 of 1992.

2. In the aforesaid order, the respondents were directed to pay interest at the rate of 12% to the applicant on DCRG and Leave Encashment w.e.f. 1.11.1984 till the date of payment. The period specified for implementation of the order was 3 months. The respondents filed a review petition which was rejected by the order of the Tribunal dated 5.5.1993. Since the respondents did not pay interest as directed to the applicant within the period specified, this contempt petition has been filed.

3. In the Counter affidavit filed by the respondents, it has been submitted that the entire amount of interest has since been paid to the applicant, by Bank Draft dated 31.12.1993 and thus, the direction

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of the Tribunal has been fully complied with.

4. The learned counsel for the applicant agrees that the direction has been fully complied with but urges that the applicant should be paid cost of the litigation in view of the fact that he had to file two contempt petitions, one for implementation of earlier direction of this Tribunal for finalising certain departmental proceedings against him within specified period and the second contempt petition for non compliance of the Tribunal's order dated 25.11.1992.

5. We have carefully gone through the submissions made in the Counter Affidavit. No doubt there has been some delay in complying with the Tribunal's order dated 25.11.1992. However, we are satisfied from the submissions made in the counter affidavit that there has been no deliberate or wilful disobedience of the Tribunal's order and the delay which has occurred was due to procedural compulsions and not due to any lack of intent to comply with the orders. The alleged contemners have also tendered unconditional apology and expressed his deep regret for inconvenient caused.

6. In the result, we are of the view that there being no wilful or deliberate violation of the Tribunal's orders, the Opp. Parties cannot be

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held guilty of contempt of court. The contempt petition is dismissed and the notices are discharged. We do not find sufficient ground to award any cost to the applicant.


Member(J)


Member(A)

Dated: 8.3.1994

(n.u.)