

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

CONTEMPT OF COURT APPLICATION NO. 30 OF 1995.

IN

ORIGINAL APPLICATION NO.1663 OF 1994.

DATED: The 9th Day of September, 1995.

Hon'ble Mr. S.Das Gupta, A.M.

Hon'ble Mr. T.L.Verma, J.M.

1. Gulab Chandra, son of late Baij Nath, r/o
Village - Singraha, Post Office Bairampur, District
Allahabad.

2. Ram Lal Singh Patel, son of Sri Roshan Lal,
R/o village Bx Pura Bajawa, Post Office
Bamrauli, District Allahabad.
(By Counsel Col.Ashok Kumar,Retd.)

APPLICANTS.

Versus

Maj. Gen T.M.John Chief Engineer,
Central Command, Lucknow.
(By counsel Sri N.B.Singh)

RESPONDENT.

ORDER.

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

This contempt application has been filed for alleged noncompliance with the direction contained in an order dated 10.11.1994, by which a Bench of this Tribunal had disposed of O.A.No.1663 of 1994 with a direction to the respondent no. 1 in the O.A. aforesaid ~~and~~ decided the representation of the applicant dated 15.4.1994 with a clear and speaking order within a period of 2 months from the date of receipt of the order.

2. It has been averred that a copy of this order was communicated by the applicant to the respondents with a letter dated 11/22.11.1994. However, no action was allegedly taken by the respondents till filing of this contempt application.

3. The respondents have filed a counter affidavit in which it has been averred that the direction of the Tribunal has been fully complied with by deciding the representation of the applicant by speaking order dated 26.4.1995. A copy of this order is Annexure CA - 1.

4. We have heard the counsel for both the parties.

5. It is clear from a perusal of the letter dated 26.4.1995 that the order by which the applicant's representation has been rejected is a speaking order indicating detailed reasons for the rejection. There is nodoubt that respondents have complied with the direction as given by this Tribunal.

6. The applicant has submitted rejoinder affidavit in which great emphasis has been laid on the delay in disposal of the representation. We have carefully considered the matter. Nodoubt, there has been some delay on the part of the respondents in disposing of this application, but there is nothing on record to indicate that such delay was intentional or deliberate. It is a settled principle of law that a contempt of court can be said to have been committed only when there is a wilful and deliberate disobedience of the Court. There is nothing on record to show that such was a matter in this case.

7. In view of the foregoing the contempt application is dismissed. Notices issued are discharged.

Member(J)

Member(A)