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OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALIA HABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 12th of February, 1996

Civil Misc. Application No. 2552 of 1995

IN

C.C.A. No. 99 of 1995

IN

O.A. NO. 1747 of 1993

District : Banda

CORAM:-

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

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

Mohammed Amzad son of Maula Bux,

R/o Mardan Naka Banda City,

District Banda U.P.

(By Advocate Sri R.S. Tewari)

. Applicant

versus

1. Sri R.R. Kohli,

Chairman, Railway Recruitment Board,

Divisional Office Compound Bombay,

(Central Railway)

. Respondents

O R D E R (O_r_d_e_r)

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

This Misc. Application No. 2552/95 was moved by the learned counsel for the applicant praying that the CCA No. 99/95 be heard and decided on merits.

2. The aforesaid contempt application came up on 4-9-1995. As none appeared for the applicant and on the previous date an adjournment was sought, we went through the averments in the application and proceeded to decide the matter.

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3. It was observed by us that the CCA had been filed alleging non-compliance of the directions contained in the order dated 21-12-1993 passed by a Bench of this Tribunal disposing of OA No.1747 of 1993. We also observed that more than 1½ years have lapsed since the period for implementation of the directions had expired. In view of this we held that we were unable to initiate contempt proceedings in terms of Section 20 of the Contempt of Courts Act. The CCA was accordingly dismissed.

4. In the Misc. Application under consideration, it has been averred by the learned counsel for the applicant that the applicant was ^{coming} ~~going~~ to attend the court on 4-9-1995, ~~he~~ as he was delayed in reaching Allahabad as the Bus by which he was travelling went out of order. By the time he had reached the Tribunal, the CCA had been dismissed, ~~in default~~. On this ^{base} ~~cont~~, it has been prayed that the CCA be heard and decided on merits.

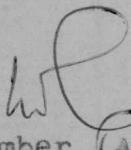
5. It is clear from the order passed by the order on 4-9-1995 that the dismissal of the CCA was not on account of default on part of the applicant or his counsel. It was dismissed on the ground of limitation prescribed in Section 20 of the Contempt of Courts Act. The position would have been the same, even if the applicant or his counsel was present. The learned counsel for the applicant was asked to indicate in what manner we still have power to take cognizance of this case much after the prescribed one year period has lapsed since the commission of the alleged contempt. The learned counsel for the applicant could not give any satisfactory ground for our initiating

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contempt proceedings at this stage.

6. In view of the foregoing, the Misc. Application No. 2552 of 1995 is dismissed.


Member (J)


Member (A)

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