

OPEN COURT

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 19th day of March, 1996

Contempt Petition No.109 of 1995

In

Original Application No.1761 of 1993

CORAM:-

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

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

Virendra Singh S/o Sri Sadhu Ram

Daftri, Record Jat Regiment,

Bareilly Cantt., R/o 714, Janakpuri,

Bareilly.

(By Sri P.L. Sharma, Advocate)

. Petitioner

Versus

Brigadier Sukhbir Singh,

Officer Incharge, Records,

Jat Regiment, Bareilly Cantt.

(By Sri NB Singh, Advocate)

. Respondents

ORDER (ORAL)

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

This Contempt Petition has been filed alleging non-compliance of the order dated 26-11-1992 by which a Bench of this Tribunal had disposed of the OA No.469/91 and also the order dated 7-12-1993 by which the subsequent O.A. No.1761 of 1993 filed by the applicant was disposed of.

2. In the order dated 26-11-1992, the respondents were directed to consider the case of the applicant again in the light of Annexure-2 to this petition and this was to be done within a period of three months. It was further stated that in case it was found that there was a case of

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mistake, the same should be rectified and the applicant be given the benefit of the continuity of pay, pension, restoration etc. and instead reinstated/re-appointed. The subsequent OA was disposed of by an order dated 7-12-1993 in which there was a direction to the respondents to dispose of the representation of the applicant by giving a reasoned and speaking order in the light of certain observations made in the body of the order.

3. The respondents have filed a counter affidavit stating that the orders of the Tribunal have been complied with. This has been contested by the applicant.

4. We have seen that this contempt application was filed on 24-8-1998. It is, therefore, clear that more than one year has lapsed since the direction was issued in the subsequent order dated 7-12-1993. In view of the provisions contained in Section 20 of the Contempt of Court Act, no cognizance of this contempt application can be taken, and no proceedings can be initiated by us. The learned counsel for the applicant has filed an application for condonation of delay. There is no provision for condonation of delay in Section 20 of the Contempt of Court Act. Once the period is over, the court does not have jurisdiction to initiate contempt proceedings. The application for condonation of delay is, therefore, misconceived.

5. In view of the foregoing, the contempt proceedings are dropped. Notices issued are discharged.


Member (J)


Member (A)

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