

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: Allahabad, this 16th day of November, 2000

Coram: Hon'ble Mr. Justice R. R.K. Trivedi, VC
Hon'ble Mr. S. Dayal, A.M.

Civil Contempt Application No.121 of 1995

In

Original Application No.1097 of 1993

Union of India, through Operating Superintendent,
N.R. Allahabad and Station Superintendent,
Central Railway, Kanpur.

..... Applicant
(By Advocate Sri G.P. Agarwal)

Versus

1. Sri S.P. Bhagoliwai, Asstt. Labour Commissioner,
Kanpur Region and Authority under P.W. Act,
Sarvodaya Nagar, Kanpur.
2. S.D.M., Kanpur City, Kanpur Sri Yaswant Rao.
3. Sri Naresh Chand Trivedi,
s/o Sri Girja Nandan Trivedi,
r/o 315/5, Juhilal Colony, Kanpur
through Sri Sisupal Singh,
r/o 119/295, On Nagar,
Dharampurwa, Kanpur.
4. The General Manager,
Reserve Bank of India,
Kanpur. Sree Girdhari Lal Sharma
(PAD) Division Kanpur.

..... Opp. Parties
(By Advocate Sri Sharad Verma)

O_R_D_E_R (Open Court)

(By Hon'ble Mr. Justice R.R.K. Trivedi, VC)

This application under Section 17 of Administrative
(Tribunals) Act, 1985 has been filed for initiating the
proceedings of contempt against the opposite parties

for wilful disobedience of the interim order dated 27th August, 1993 passed in O.A. No.1097 of 1993- Union of India Vs. Naresh Chandra Trivedi and others. The aforesaid O.A. 1097/93 was filed challenging the order dated 26th May, 1993 of the Prescribed Authority/ Assistant Labour Commissioner under Payment of Wages Act. Under the aforesaid order, the Prescribed Authority awarded the amount of wages to the extent of Rs.65,295/- and an amount of Rs.1,95,885/- i.e. representing three times of amount due, as penalty. The order of the Tribunal dated 13th August, 1993 was to the following effect:-

" Issue notice to the respondents returnable within 14 days. List this case for hearing on interim matter on 27.8.93.

Meanwhile, the operation of the order dated 26.5.1993 (Annexure A-1) shall remain stayed on depositing the Rs.65,295/- before the Prescribed Authority. The amount so deposited will not be released in favour of the respondent No.1."

2. The aforesaid interim order was continued till further orders, on 27th August, 1993. The Original Application was, however, dismissed as not maintainable by an order dated 27.10.99, relying on the judgment of Hon'ble Supreme Court in Krishna Prasad Gupta Vs. Controller Printing and Stationery, AIR 1996 SC 408. The order dated 27.10.99 is being reproduced below:-

" Shri G.P. Agrawal in main O.A. submits that this O.A. is not maintainable in reference to case of Krishan Prasad Gupta Vs. Controller, Printing and Stationery AIR 1996 SC 408.