

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 27th day of April, 2001.

Civil Contempt Application No. 04 of 2000

In

Original Application No. 649 of 1995.

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Maj Gen K.K. Srivastava, A.M.

Gopal Krishna S/o Sri Raghavan,

R/o House No.376-C/1, Mirzapur Road,

Naini, Allahabad.

(Sri S. Ram, Advocate)

..... Applicant

Versus

1. Sri Sukhbir Singh,

Divisional Railway Manager,

Northern Railway, Allahabad.

2. Sri Om Prakash Mishra, Senior Divisional

Personnel Officer, Northern Railway,

Allahabad.

3. Sri Dayal Dogra, Senior Divisional Electrical

Engineer (TRD), Northern Railway, Allahabad.

(Sri A.K. Gaur, Advocate)

..... Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

This application under Section 17 of the Administrative Tribunals Act, 1985, has been filed for punishing the resps for committing contempt of this Tribunal by disobeying the order dated 28-11-1997 passed in OA No. 649 of 1995. ^u ~~Permissible~~ ^{Pertinent} paragraph of the aforesaid order reads as under :-

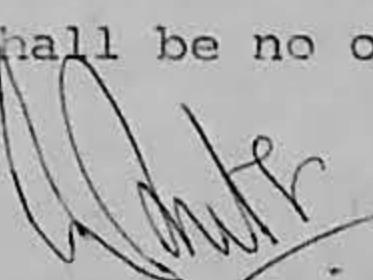
"In the light of the above discussion, I find no merit in the application and the same is dismissed accordingly.



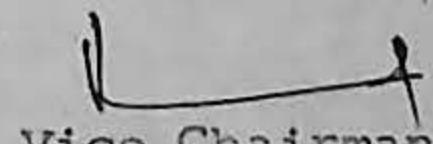
However, as provided in para 9 above, the applicant may make a representation for posting at Allahabad and the respondents shall dispose of the same within the period stipulated. There shall be no order as to costs."

2. In Para 9 of the judgement the Tribunal said that the application will be disposed of within a period of two months if the representation is filed by the applicant within a period of a month from the date of receipt of this order. The application ~~was~~ ^{is} stated to ~~be~~ ^{have} filed on 10-1-1998. The period of two months expired on 10-3-1998. Disobedience of the order of this Tribunal occurred when the application was not decided within two months. The period of one year started running from that date and had expired on 11-3-1999. This contempt application has been filed on 10-1-2000 i.e. long after expiry of the period of one year.

3. Learned counsel for the applicant submitted that the respondents passed fresh order of transfer, transferring the applicant from Allahabad to Hathras and the transfer order was passed on 27-1-1999. Learned counsel for the applicant has submitted that the cause of action for filing this contempt application arose when the fresh order was passed. We fail to understand how the cause of action for filing the contempt application could have arisen to the applicant on passing of fresh order. There was no prohibition put by the order of this Tribunal against passing any fresh order. In the circumstances, this contempt application is time barred and is dismissed accordingly. Notices issued are discharged. There shall be no order as to costs.



Member (A)



Vice Chairman

Dube/