

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CONTEMPT PETITION (CIVIL) No.141/2000

IN

ORIGINAL APPLICATION No.360/1998

TUESDAY, THIS THE 14TH DAY OF MAY, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI .. VICE CHAIRMAN

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

1. Smt. Nisab Khatun,
W/o late Shaurul Hasnain,
R/o Town Saithal, P.O. Saithal,
District Bareilly.

2. Rauful Hasan,
S/o late Shaurul Hasnain,
R/o Town Saithal, P.O. Saithal,
District Bareilly.

Petitioners

(By Advocate Shri S. Singh)

Versus

1. Sri Virendra Kumar Singh,
Senior Post Master, Bareilly,

2. Sri Sanjay Singh,
Senior Superintendent of Post Offices,
Department of Posts, District Bareilly.

3. Sri Prithivi Raj Kumar,
Post Master General,
Bareilly Zone, Bareilly.

4. Sri H.L. Dania,
Chief Post Master General,
U.P. Circle, Lucknow.

Respondents


(By Advocate Shri S.C. Tripathi)

O R D E R - (ORAL)

Hon'ble Mr. Justice R.R.K. Trivedi, Vice Chairman:

By this application, the petitioners have
requested to punish the respondents for non compliance
of the order dated 15.10.1999, passed in O.A. No.360/1998.

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The direction in the order was to the following effect:-

"The O.A. is allowed. The impugned order dated 3.8.1997 is quashed and the respondents are directed to pay the applicant the family pension treating the service of the deceased employee having been regularised on the date of his death. The family pension will be calculated as per rules and the arrear will also be paid to the widow within three months from the date of communication of this order. The respondents are also directed to consider and pass order on the application of the applicant No.2 for appointment on compassionate ground treating him as the son of regular employee within three months from the date of communication of this order."

2. Shri S.C. Tripathi, counsel for the respondents has placed before us the copies of the order dated 21.2.2002 and 22.2.2002 and 3.4.2002 which are regarding compliance of the order. There appears no dispute about the first two orders, dated 21.2.2002 and 22.2.2002, relating to the Family Pension are concerned. However, the learned counsel for the applicant has challenged the order dated 3.4.2002 on the ground that the order has not been complied with in letter and spirit.

3. It has been submitted that the reliance has been placed on circular of 4.11.2000, while the judgment was of 15.10.1999. Secondly, it has been stated that the claim of applicant No.2 for appointment on compassionate ground has been rejected for want of vacancies. The learned counsel has also submitted that there was a long delay of about more than 2 and half years in complying with the order.

4. We have considered the submissions. In contempt jurisdiction, it is not possible to decide the contentious issues between the parties. If the claim of applicant No.2



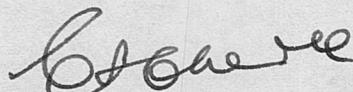
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for appointment on compassionate ground has been considered and rejected, the compliance of the order has been done.

If the applicant is dissatisfied with the order, it is always open to challenge the same on the original side.

But, it is difficult to say that there is wilful disobedience of the order of this Tribunal. On the ground of mere delay, punishment under the provisions of contempt of courts Act will not be justified, ^{although} we do not appreciate the delay caused by the respondents in implementing the orders.

The application is accordingly dismissed. The notices are discharged. No order as to costs.


MEMBER (A)


VICE CHAIRMAN

psp.