

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD
CIVIL MISC. CONTEMPT PETITION NO.123/2002

IN
ORIGINAL APPLICATION NO. 1195/1993

TUESDAY, THIS THE 10TH DAY OF SEPTEMBER, 2002

HON'BLE M&J GEN K.K. SRIVASTAVA .. MEMBER (A)
HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

Vidyawati, widow of late
Murari Lal, Resident of
167-A, Sadar Bazar, Allahabad. Applicant

(By Advocate Shri Anupam Shukla)

Versus

Captain Har Kamal Singh,
Commandant/Chief Engineer,
C.E. (P) Pushpak Project,
Head Quarters,
C/o 99 A.P.O. Respondent

ORDER

BY HON'BLE M&J GEN K.K. SRIVASTAVA, MEMBER (A)

In this contempt application filed by the applicant, the applicant has prayed that the respondent be punished for wilful dis-obedience and non-compliance of the order of this Tribunal dated 27.07.94 passed in O.A. No.1195/93.

2. The applicant has filed O.A. No.1194/93 and the following order was passed by this Tribunal on 27.07.94.

"In view of the foregoing, we direct the respondents to work out the gratuity payable to the husband of the applicant in terms of Rule-1 of CCS(T.S.) Rules and pay the same to the applicant. In view of the special circumstances of the case, we do not order payment of this sum with interest at the market rate but let this amount be paid with interest at a nominal rate of 6% per annum from a date three months after the date of discharge of the applicant's husband till the date of actual payment, which shall not be more than 6 months from the date of this order."

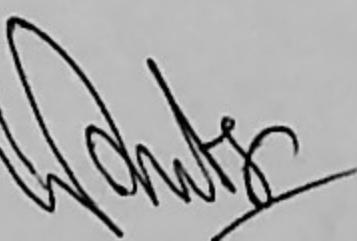
3. Shri Anupam Shukla, the learned counsel for the applicant submitted that the respondents vide letter

dated 01.05.1995 (Annexure-3) informed the applicant that the respondents had filed S.L.P. before Hon'ble Supreme Court on 21.10.94 and she should have to wait for the decision of the Hon'ble Supreme Court in the said S.L.P. Shri Anupam Shukla, invited our attention to para 10 of the application in which it has been averred that the applicant sent her grand son Shiv Dutt to the respondents and he met the respondents personally on 15.06.02 but the respondents refused to comply ^{in with} the order of this Tribunal on the same ground that the ⁱⁿ order of the Supreme Court on the S.L.P. are still awaited. Shri Anupam Shukla argued that the cause of action for non-compliance arose on 15.06.02 and therefore, the case of contempt is established.

4. We do not find any substance in the above contention of the applicant's counsel. The order of this Tribunal was passed on 27.07.94 and in absence of any stay order from superior court the contempt should have been filed within a year which has not been done. The case of contempt ~~cannot~~ be established after a lapse of more than 8 years. The contempt application is rejected ^{being time-barred} ~~is rejected~~ No costs.

An

Member-J



Member-A

/Neelam/