

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 13th day of NOVEMBER 2003.

Contempt Application no. 10 of 2003

in
Original Application no. 478 of 2001.

Hon'ble Maj Gen K K Srivastava, Member (A)
Hon'ble Mr A K Bhatnagar, Member (J)

1. Irfan Ali, s/o Sri S Ali,
R/o Qr. no. TEL-1 Railway North Colony, Junction,
Bareilly.
2. Sri Hori Lal, s/o Kare Ram,
R/o Vill Pargana,
Contonment, Bareilly.
3. Mahendra Pal, s/o Nand Ram,
R/o Mohalla Patel Nagar,
Bareilly.
4. Suresh Chand, R/o Vill Chandpur,
Post Karmwa, Cantt, Bareilly.
5. Brij Nandan, s/o Sri Mewa Ram,
R/o Vill Chandpur,
Post Karmwa, Cantt,
Bareilly.

....Applicants

By Adv : Shri R.D.Khare

Versus

1. Sri Shyamal Ghosh,
Secretary, Ministry of Telecommunication
Union of India, New Delhi.
2. Sri. R.C. Arya,
Divisional Manager/General Manager,
Bharat Sanchar Nigam Ltd.,
(earlier Telecommunication)
Bareilly.

....2.

3. Sri Krishna Murari,
Dy. General Manager (Phones)
Bharat Sanchar Nigam Ltd.,
District Bareilly.
4. Sri A.K. Tyagi,
Addl. General Manager (Telephones)
Bharat Sanchar Nigam Ltd.,
District Bareilly.
5. Sri Biswas Dada,
Assistant Engineer (Administration)
Bharat Sanchar Nigam Ltd.,
District Bareilly.Respondents.

By Adv.:

O R D E R

Hon'ble Maj Gen K K Srivastava, AM.

This contempt application, under Section 17 of the A.T. Act, 1985, has been filed for punishing the respondents for wilful disobedience of the order of this Tribunal dated 16.4.2001 passed in O A no. 478 of 2001, by which the opportunity was given to the applicants to represent before the Competent Authority, in the respondent's establishment, within four weeks and the Competent Authority was directed to decide the same within four months, thereafter. The applicants have filed this Contempt Application on 31.1.2003 alongwith delay condonation application no. 1310 of 2003.

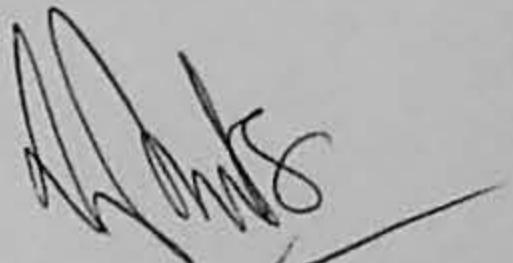
2. We have perused the record and we do not find that any good ground has been advanced by the applicants for condonation of delay.
3. This contempt application is against the Department of Telecommunication, which has now been converted into a corporation. In absence of any notification under Section 14 (2) of the A.T. Act, 1985, this contempt application is not maintainable before this Tribunal.

3.

4. The legal position in this regard is well settled by the Division Bench judgments of Hon'ble Delhi High Court in case of Ram Gopal Verma Vs. Union of India & Ors, AISLJ 2002 (1) 352 and also by Hon'ble Mumbai High Court in case of Bharat Sanchar Nigam Limited Vs. A.R. Patil & Ors etc etc, 2002 (3) ATJ 1.

5. In view of the above, the delay condonation application no. 1310 of 2003 is rejected. The contempt application is also dismissed as not maintainable.


Member-J


Member-A

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