

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

CIVIL CONTEMPT PETITION NUMBER 116 OF 2003

IN

ORIGINAL APPLICATION NUMBER 269 OF 2002

TUESDAY, THIS THE 22nd DAY OF JULY, 2003

HON'BLE MAJ GEN K. K. SRIVASTAVA, MEMBER(A)
HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Jayant Kumar Taneja,
s/o Late Shri B.D. Taneja,
aged about 51 years,
J.E. E/M R/o Q.No. Shahjahanpur Cantt.(U.P.)
at present working on the post of J.E. E/M in the office
of A.G.E.(I) MES,
Shahjahanpur (U.P.)

....Applicant

(By Advocate : Shri R.C. Pathak)

V E R S U S

1. Majgen Utpal Bhattacharya,
Chief Engineer, Central Command,
Lucknow (U.P.).
2. Raj Narayan,
A.G.E. (I) MES,
Shahjahanpur (U.P.)

.....Respondents

(By Advocate:)

O R D E R

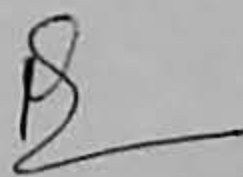
By Hon'ble Mrs. Meera Chhibber, J.M.

This Contempt Petition has been filed by the applicant under section 17 of Administrative Tribunals Act, 1985. It is submitted by the applicant's counsel that vide order dated 09.01.2003, this Tribunal had directed the respondents to

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dispose off the representation of the applicant dated 08.03.2001 which is annexed with the O.A. at page 83 within a period of 2 months from the date of receipt of a copy of this order by passing a reasoned and speaking order under intimation to the applicant (Pg.12). The said order was communicated to the respondents by applicant vide his letter dated 11.01.2003. The respondents passed so called speaking order on 09.05.2003 (Pg.14) whereby applicant was informed that payment of his increment from the year 1982 to 2000 will be considered only after finalisation of the O.A. No.328/96 (Criminal Revision Petition) filed by Union of India and others Vs. State of U.P. and other which is still pending in Hon'ble High Court. Similarly payment of absent period i.e. 19th April, 1982 to 30th June 1984 will be considered only after finalisation of O.A. No.1011/97 which is still pending with Hon'ble High Court of Allahabad.

2. Applicant's counsel contended that the speaking order is absolutely wrong, misleading and the reasoning given therein is not at all sustainable. He has submitted that all these points were already considered in the O.A. itself while deciding the same. Therefore, respondents could not have rejected or given the same reply to the applicant which had already been taken care of by the Tribunal. He has, thus, submitted that respondents are committing contempt of court as their reasoning given therein is absolutely wrong. He has also submitted that the period given to the respondents was to decide the case within 2 months whereas



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they have decided the matter after delay of about 2 months. Therefore, he has submitted that action should be taken by the respondents for not complying with the direction given by this Tribunal. He has also submitted that A.G.E.(I) Shahjahanpur was not competent to decide this matter at all as he has no power to decide the case. It is submitted by the applicant that he had given his representation to Chief Engineer, Central Command, Lucknow whereas the order has been passed by the office of AGE(I) Shahjahanpur. Therefore, he has submitted that this order is not sustainable in law.

3. We have considered the arguments advanced by the counsel for the applicant and feel that no contempt is made out in the present case as when the O.A. was decided by the Tribunal, no findings were recorded by the Tribunal. It had only recorded the submissions made by the applicant's counsel and the respondents were directed to dispose of the representation of the applicant by passing a reasoned and speaking order. If the orders passed by the respondents are said to be not passed by any competent authority, or the reasoning given therein is said to be not correct, this cannot be said to be the disobedience of the directions given by the Tribunal. Hon'ble Supreme Court has repeatedly held that in Contempt matters, though the power is given to the Tribunal but the power should be used sparingly. In the instant case, though the orders were directed to be passed within 2 months whereas the respondents have passed the same within 4 months but



we do not think that for this purpose action should be initiated against the respondents under the contempt of courts act.

Respondents have passed speaking order which may be wrong, according to the applicant, but if that be so, then his remedy lies in challenging the said order on the original side by filing an original application and not by filing the contempt petition.

4. In view of the above discussions, this Contempt Petition is not maintainable, the same is accordingly dismissed.

However, liberty is given to the applicant to challenge the orders passed by the respondents in original side by filing ^{fresh} ~~their~~ original application.



Member (J)



Member (A)

shukla/-