

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

WEDNESDAY, THIS THE 28TH DAY OF MARCH, 2007.

QUORUM : HON. MR. ASHOK S. KARAMADI, J.M.
HON. MR. P.K. CHATTERJI, A.M.

Contempt Application No. 02 of 2006.
in
ORIGINAL APPLICATION NO.640 OF 2002.

Santosh Kumar Mishra, Son of, Sri Raj Karan Mishra,
Resident of, Mishrapura Barapur, P.O. Barapura, P.O.
Maharajganj, District Azamgarh.

..... Applicant.

Counsel for applicant : Shri B.N. Pandey.

Versus

Sri R.P. Sharma, presently posted as Principal, Kendriya
Vidyalaya, Sangthan, New Cantt, Allahabad.

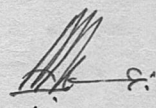
..... Respondents.

Counsel for Respondents : Shri D.P. Singh.

ORDER

HON. MR. ASHOK S. KARAMADI, J.M.

This contempt application has been filed against the order dated 31.5.2002, passed in O.A. No.640/02. Admittedly, this application is filed belatedly beyond limitation period of time of the contempt proceedings. The applicant has stated in Para 2 of the petition with regard to the order passed and also stated that he has received certified copy of the order and made representation to the Respondents on 28.4.2002 by registered post on 5.7.2002 and subsequently, when the Respondents did not pay any heed to the representation of the applicant, he approach the Counsel for filing contempt and in the meanwhile, the counsel whom he had engaged for filing contempt, fell ill and further stated that he had not communicated anything to the applicant and thereafter, he came to know from the reliable sources on 30.11.2005 that the counsel has died on 22.8.2004 and he also came to know on 16.12.2005 that no any contempt petition is filed or pending against the opposite party in the Tribunal and thereafter, he handed over the papers and expenses to one Shri Dinesh Mishra, Advocate for filing the contempt petition on 20.12.2005. Subsequently, that was also not filed by the Counsel and

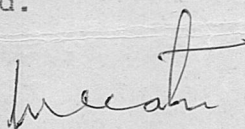



the same was filed by some other counsel on 3.1.2006. Hence, based on these reasons, the application for delay condonation is filed in the contempt petition stating the same reasons for delay in filing the contempt petition. On notice, the Respondents have filed the reply to the delay condonation in compliance with the earlier order of this Tribunal dated 3.1.2007. They have stated that the contempt petition is barred by limitation and the reasons stated for condoning the delay are not sufficient and thus, the contempt petition is liable to be dismissed.

2. We have heard counsel for the parties and perused the pleadings on record.

3. Having regard to the fact that the order dated 31.5.2002, passed in O.A. No.640/02, the applicant has secured the copies from the office and made a representation to the Respondents along with the copy of the order passed by the Tribunal. In that view of the matter, the applicant was well aware of the position from the certified copy of the order and he failed to make any attempt to file the contempt petition under law. In spite of that he has stated that he handed over the papers after getting the same from the earlier counsel and the Counsel stated the same facts but during the period in which now the contempt petition is filed on 3.1.2006 and the period from receipt of the certified copy of the order from the office, no sufficient reasons are forthcoming in filing the contempt petition, which are justifiable to condone the delay.

4. Having regard to the fact, we do not find any good ground for condoning the delay. Accordingly, the contempt petition is dismissed and the notices issued, are discharged.


A.M.


J.M.

Asthana/