

5.4.2006

Hon'ble Mr. K.B.S Rajan, J.M
Hon'ble Mr. A.K. Singh, A.M

For Applicant : S. Kumar
For Respondents: Sri R. Verma for Sri A.
Mohiley.

This CCA has been filed against the alleged disobedience of the directions of this Court vide order dated 3.7.2001.

Heard the counsel for the applicant.

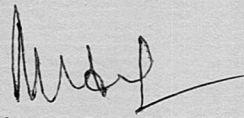
According to the counsel for the applicant, notwithstanding the time calendared for complying with the directions, the respondents have not only not complied with the same, but by publication of advertisement no. 55 of 2005 whereby 60 posts of Asstt. Medical Officers in Ordnance Factory, have been advertised. They have thus, committed a positive act of contempt.

The applicant has separately moved O.A. no. 215 of 2006 against publication of vacancies and notice is said to have been issued in this case.

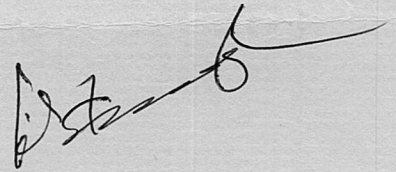
As regards the Contempt application, the statutory period of limitation is one year from the date on which the contempt is alleged to have been committed. We are of the considered view that this period of one year should reckon from the date of expiry of time scheduled by the Court for compliance. Apparently the applicant has chosen not to move this Court at the relevant point of time. It is after full

four years that this CCA has been preferred. There is no scope to entertain this CCA in view of the statutory limitation as provided in Section 20 of the Contempt of Court Act 1971. We are also fortified with the decision of the Apex Court in the case of Hukam Ram Khinvsara Vs. Union of India reported in (1997) 4 SCC 284.

Hence the CCA is rejected.



Member-A



Member-J

/GS/