

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

NO. CPC. 10 OF 2013
(O.A. 1281 OF 1997)

Order dated: 14/5/13

Present : Hon'ble Mr. Navneet Kumar, Judicial Member
Hon'ble Ms. Rajwant Sandhu, Administrative Member

SMT. MANJU CHANDRA & ANR.

Versus

MR. G.C. AGARWAL (E. Rly.)

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents : None

ORDER


Per Mr. Navneet Kumar, JM:

The present contempt petition is filed for non compliance of order dated 11.04.2008 passed in O.A. 1281 of 1997. The Tribunal passed the following orders:

"8. Without going into the merit of the claim of the applicant we dispose of this OA with liberty to the applicant to apply for compassionate appointment in favour of his son and if such an application is made, the respondents shall consider the same as per rules and keeping in view the decision cited above within three months from the date of receipt of such representation. No costs."

2. The Ld. Counsel appears on behalf of the applicant pointed out that in pursuance of the direction of the Tribunal, the applicant has moved an application for grant of compassionate appointment vide letter dated 25.04.2008 but the said application has not been disposed of by the respondents till date.

3. The bare perusal of the contempt petition shows that at page 22 and 23 two letters are written to the applicant on 03.12.2009 and 18.12.2009 wherein application has been acknowledged the matter has been examined by the concerned authority.



4. Admittedly the applicant filed the present contempt petition on 25.02.2013 for non compliance of order dated 11.04.2008. It is absolutely cleared that the contempt petition was filed after a period of 5 years from the date of the order. As such there is no justification for issuing notice on the respondents for such an inordinate delay in filing the present contempt petition.

As per Section 20 of Contempt Court Act 1971 the limitation is provided.

Section 20 reads as under:

"20. Limitation for actions for contempt. – No court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed."

5. Accordingly contempt petition is dismissed. No order as to costs.

MEMBER (A)

MEMBER (J)

drh

- (a) Sl. No. of the appn.
- (b) Name of the applicant.....
- (c) Dt. of presentation or application for copy.....
- (d) No. of pages.....
- (e) Copying fee charges/urgent or ordinary.....
- (f) Dt. of preparation of copy. 17/5/13...
- (g) Dt. of delivery of the copy to the applicant.....