

Central Administrative Tribunal Lucknow Bench Lucknow.

C.C.P. No. 31/2007 In O.A. 168/2007.

This, the 30th day of May, 2007.

Hon'ble Mr. A. K. Singh, Member (A)
Hon'ble Mr. M. Kanthaiah, Member (J)

Satya Narain Sharma, aged about 54 years, son of Sri. Mahabir Prasad Sharma, resident of 78/B, Khaira Colony, Bargaon, Gonda.

Applicant.

By Advocate Shri Anup Bajpai

Versus

Ashima Singh, Divisional Manager, North Eastern Railway, Ashok Marg, Lucknow.

Respondents.

By Advocate

Order (Oral)

By Hon'ble Mr. A. K. Singh, Member (A)

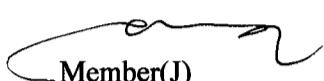
The counsel for the applicant Shri Anup Bajpai drew our attention to operative portion of order of this Tribunal dated 1.3.2007 which, reads as under:

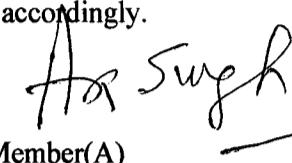
“O.A. is accordingly disposed of with the provision that in case the applicant gives a representation to the respondent No. 3 within a period of one week from today together with the copy of this order, respondent No. 3 will consider and pass suitable orders within a period of 10 days thereafter. With these directions, O.A. is finally disposed of.”

2. The competent authority has however decided the representation of the applicant within a period of 18 days. Consequently, there is a delay of 8 days. The applicant submits that by not deciding the case within a period of 10 days, the respondent has committed a contempt of this Court which is ~~not~~ ^{permissible} under the contempt of Court Act 1971. We have given our anxious considerations to the submissions made by the learned counsel for the applicant. We are unable to accept the same. It is our considered view that Section 12 of the Contempt of Court Act 1971 read with Section 17 of the Administrative Tribunal Act 1985, is not attracted in the present case. It is only when there is a

deliberate disobedience of the order of this Court that the provision of Section 12 of Contempt of Court Act 1971 are attracted. A mere delay of 8 days in complying with the directions of this Tribunal will obviously not attract the above mentioned provisions of Law, as there is no intentional or deliberate disobedience of the order dated 1.3.2007 of this Tribunal.

Accordingly, C.C.P. 31/2007, merits dismissal. We order accordingly.


Member(J)


Member(A)

V.