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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Contempt Appln.No.1 of 1990(L)

In

Registration O.A.No.100 of 1989

S.C.Agrawal Applicant

Versus

M.N. Prasad and Respondents
Others

Hon.Mr.Justice K.Nath, V.C.

Hon.Mr. K.Obayya, Member (A)

(By Hon.Mr.Justice K.Nath, V.C.)

We have heard the learned counsel for the parties. The question is whether the respondents have committed contempt of this Tribunal by failing to comply with the directions given in the judgement dated 22.6.89 in O.A. No.100/89 . The applicant aggrieved by an order of seniority contained in Annexure-I to the Original Application made representations last of which was dated 7.10.88. The Tribunal directed respondent No.2, the General Manager to dispose of the said representation within one month of the receipt of the copy of the order . The respondents' reply to the show cause notice is that the representation has been disposed of and process is in hand for payment of certain amounts¹ to the applicant. The disposal is stated to have been done by means of a letter dated 7.3.90 addressed to the applicant.

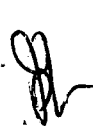
2. The learned counsel for the applicant says that in the said letter of compliance, the respondents have

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not indicated the manner in which they have dealt with the applicant's representation and that they should have considered the applicant's case on the basis of P.S.No.7331. We have gone through the applicant's representation dated 7.10.88, Annexure-8 in the Original Application and we notice that the points raised therein have been dealt with in the respondents' letter dated 7.3.90. In respect of P.S.No.7331, it is stated in para 5 of the respondents' letter that the said P.S. came into existence through Railway Board's letter dated 15.6.79 and therefore its provisions were not applicable to the panel which were announced in the year 1976.

3. In dealing with contempt petition distinction has to be drawn between the compliance of an order and the controversy which may arise on the method of compliance. So long as the contemner shows that the points raised and required to be considered have been dealt with there can be no contempt only on the ground that the view taken by the contemner was erroneous. The law of contempt not only requires disobedience of the order but also willful disobedience. Where mind has been applied and the compliance is challenged as inaccurate which the contemner claims to be correct, there is no willful disobedience. That seems to be the position in the present case. If the applicant is still aggrieved by the orders contained in the contemners' letter dated 7.3.90 while dealing with




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the applicant's representation dated 7.10.88, the applicant has a remedy by means of an Original Application under Section 19 of the Administrative Tribunals Act, 1985. The proceedings in contempt ought to fail.

8. There has been some delay in the compliance of the orders given by this Tribunal but the respondents sought for and had been given extension of time; it does not appear that the letter dated 7.3.90 is even beyond extended time. The proceedings of this case are dropped and the notice is discharged.


Member (A)


Vice Chairman

Dated the 6th Feb., 1991.

RKM