

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

Contempt Petition No.1 of 1983.

IN

O.S.No.156 of 1986

Uma Shanker Garg Applicant.

Versus

A.N. Manchoo & another Respondents.

Hon'ble Mr. Justice U.C. Trivastava, V.C.

Hon'ble Mr. K. Chayya, A.M.

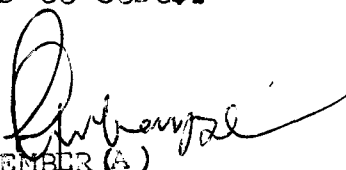
(By Hon'ble Mr. Justice U.C. Trivastava, V.C.)

In this application, registered as contempt application, more than one prayer has been made. The applicant has prayed that the respondents may be directed to make payments to him along with 18% interest till the date of actual payment and they may also be directed to issue first class complimentary pass to him and to punish the respondents under the provisions of the Contempt of Courts Act. So far as the other reliefs are concerned, they are more or less fruit of another application and further on an application under the Contempt of Courts Act, no such reliefs can be granted and the composite amount could not have been made.

2. The applicant's plea is that despite of the order, passed by this Tribunal and the order, passed by the Supreme Court, the respondents have not implemented the said order and as such they have committed contempt of law. In the original application, filed by the applicant, in view of the pendency of the original case, this Tribunal stayed the proceedings observing that all such orders of the applicant, which have no direct relation or which are indirect and dependent on the fate of the original case, should

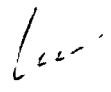
the criminal case pending against the applicant, should be cleared and paid to the applicant by the respondents within a reasonable time, say, six months and for the remaining claims, the applicant shall inform the Tribunal when the second appeal and the criminal case pending against him are decided. The Supreme Court awarded the composite amount to the applicant which has been paid. The question thereafter remains as to what are those claims which have no direct relation or otherwise not dependent on the fate of second appeal or the criminal case. According to the respondents, all the claims are dependent on the fate of second appeal and the criminal case, and there is no disobedience of the directions contained in the order dated 5.1.87 passed by the Tribunal referred to above. As the bonafide litigation is going on between the parties and a criminal case is also pending against the applicant, it cannot be said that they have intentionally and wilfully committed the contempt of the order of this Tribunal. The Tribunal left it to the respondents to make the particular payment. If under bonafide belief, these amounts are concerned with the second appeal and the criminal case and the payments have not been made, it cannot be said a wilful disobedience. At the most it can be a case of error of judgment. As such it cannot be said that any contempt has been committed. Thus, the contempt application has got to be

rejected and accordingly it is rejected. No order
as to costs.


MEMBER (A)

DATED: MAY 29th, 1992

(ug)


VICE CHAIRMAN.