

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW
CCP 5/13 in O.A. No. 601/1996**

This, the 19th day of September, 2013

HON'BLE SRI D.C. LAKHA, MEMBER(A)
HON'BLE SRI NAVNEET KUMAR, MEMBER (J)

1. Ram Narain Shukla,
aged about 53 years,
Son of Sri Ram Abhilak Shukla
at present as Officiating Supervisor, SBCO, Baharaich
(Head Post office)
2. Anil Kumar Srivastava,
Aged about 52 years
son of Sri Chotey Lal Srivastava
at present working as P.A., SBCO, Balrampur, Gonda.

Applicants

By Advocate Sri Surendran P.

VERSUS

1. Smt. Manjula Parasar,
Director General Postal Departmental,
Dak Bahawan,
New Delhi.
2. Sri Kamlesh Chandra,
Chief Post Master General
U.P. Circle, Lucknow.
3. Sri Anil Kumar,
Post Master General,
Gorakhpur Region,
Gorakhpur.

Respondents

By Advocate : Sri S. P. Singh.


(Reserved On 9.9.2013)

ORDER

By Hon'ble Sri Navneet Kumar, Member (J)

The present contempt petition is preferred for non compliance of order dated 24th May 2004 passed in O.A. 601 of 1996. By virtue of the said order, the Tribunal directed as under:


"In the result, O.A. is allowed. The applicant would be entitled to be considered for promotion under TBOP and BCR from the due date i.e. from the date of introduction of the scheme as per scheme and instructions issued from time to time, due promoted, would be entitled to with all consequential benefits, within a period of three months from the date of receipt of copy of this order. No order as to cost."



2. The learned counsel for the applicant has pointed out that he submitted the copy of the order upon the respondents and after the said order was communicated to the respondents, the respondents preferred a Writ Petition No. 1665(SB) of 2004 and the Hon'ble High Court vide order dated 8.11.2004 admitted the Writ Petition and rejected the application for interim relief. Subsequently, again the matter was taken up. Again the learned counsel for the petitioner preferred C.M. Application No. 4712 of 2006 and while deciding the said C.M. Application, the Hon'ble High Court again passed the detailed order on 7.2.2006 whereby the Hon'ble High Court dismissed the application for interim relief. The learned counsel also pointed out that in compliance of the order of the Tribunal, the respondents considered two applicants namely Sri R. K. Pandey and Sri Abbas Ali fit for grant of financial upgradation under BCR Scheme w.e.f. 1.10.91, but no orders were passed in respect of the applicants. As such, the applicants submitted a representation for granting them the benefits.

3. The learned counsel appearing on behalf of the respondents filed their reply and through reply, it is pointed out by the respondents that the present contempt was preferred by the applicant for non compliance of the order dated 24.5.04 and has also taken a ground that the present contempt petition filed by the applicants on 24.1.13 as such, the present contempt petition is barred by limitation and is liable to be dismissed in terms of the decision rendered by this Tribunal in Contempt Petition No. 22/2011. Apart from this, the learned counsel for the respondents has also pointed out that since, the Writ Petition preferred by the Union of India is pending, as such, the present contempt petition also deserves to be dismissed.


4. The learned counsel appearing on behalf of the applicant filed the rejoinder and in the said rejoinder, it is categorically pointed out that the order passed in CCP No. 22/11 is not



applicable in the case of the applicant since the case of the two applicants was considered on 25.6.2012 and 23.11.12 respectively, and when the case of the applicants were not considered, the present contempt petition is preferred. As such, the present contempt petition is not barred by limitation and the respondents are liable to be punished .

5. Heard the learned counsel for the parties and perused the record.

6. Admittedly, the 5 applicants preferred an O.A. No. 601/96 who were working as UDCs in the Saving Banks Control Organization and when they were not given the benefit of Time Bound One Promotion/Biennial Cadre Review Scheme because they did not opt for the same as they were working in the higher pay scale. The Tribunal after giving opportunity to the respondents to file the reply and after considering the entire submissions placed by the parties allowed the O.A. and observed that the applicants would be entitled to be considered for promotion under TBOP and BCR from the due date. The compliance of the said order was required to be made within a period of three months from the date of receipt of copy of the order. The learned counsel for the applicant has pointed out that the applicants submitted the representation to the authorities for compliance of the order, but the respondents preferred Writ Petition before the Hon'ble High Court, but in the said Writ Petition, the interim relief application as prayed for was rejected twice by the Hon'ble High Court. These rejection orders of interim relief were passed by the Hon'ble High Court on 8.11.2004 as well as on 7.2.2006 and subsequently, the respondents passed two orders on 25.6.12 and 23.11.12 with respect R. K. Pandey and Abbas Ali respectively. The applicants kept on waiting for the decision of the respondents and when the respondents passed the final orders with respect to the two applicants namely R. K. Pandey and Abbas Ali, the applicants



again preferred representations in November, 2012 as well as December, 2012. As per Section 20 of the Contempt of Courts Act, 1971, the limitation is of one year. Section 20 of the Contempt of Courts Act, 1971 reads as under:

“20. Limitation for actions for contempt- No court shall initiate any proceedings of 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.”

As per Section 17 of the AT Act, the Tribunal has a power to punish for contempt. Section 17 of the AT Act reads as under:-

“17. Powers to punish for contempt- A Tribunal shall have, and exercise, the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Courts Act, 1971 (70 of 1971), shall have effect subject to the modifications that-

- (a) the references therein to a High Court shall be construed as including a reference to such Tribunal;
- (b) the references to the Advocate-General in Section 15 of the said Act shall be construed,-
 - (i) in relation to the Central Administrative Tribunal, as a reference to the Attorney-General or the Solicitor General or the Additional Solicitor-General; and
 - (ii) in relation to an Administrative Tribunal for a State or a Joint administrative Tribunal for two or more States, as a reference to the Advocate-General of the State or any of the States for which such Tribunal has been established.”

7. A bare perusal of the contents of the contempt petition shows that the order was passed by the Tribunal on 24th May, 2004 and the Hon'ble High Court rejected the prayer for interim relief first on 8.11.2004 and subsequently on 7.2.2006. The applicants kept on waiting and when the respondents passed two orders in respect of the other two applicants namely Sri R. K. Pandey and Sri Abbas Ali the applicant decided to prefer the present contempt petition. Apart from this, as per Section 20 of the Contempt of Courts Act, 1971, the limitation is of one year which has already passed much before and the applicants kept on waiting for the respondents to take a decision. Not only this,