

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW**

**Contempt Petition No. 332/00032/2014 in
Original Application No.155/1996**

Order Reserved on 23.7.2014

Order Pronounced on 04/08/2014

**HON'BLE MR. NAVNEET KUMAR MEMBER (J)
HON'BLE MS. JAYATI CHANDRA, MEMBER (A)**

- | | | | |
|----|--------------|----|-----------------------|
| 1. | Lal Ji | () | |
| | | () | Sons of late Ram Pher |
| 2. | Kanhaiya Lal | () | |

-Both residents of village Rasoolpur, Post Manapur, District-Pratapgarh.

Applicant

By Advocate: Sri R.P.Singh

Versus

Mr. Jagdeep Rai, the Divisional Railway Manager, Northern Zone, Lucknow Division, Lucknow.

Respondents

By Advocate : None

ORDER

By Hon'ble Mr.Navneet Kumar, Member (J)

The present contempt petition is preferred by the applicant for non-compliance of the order dated 19th April, 2004 passed in Original Application No. 155/96 whereby the Tribunal quashed the order dated 14.8.1995 imposing the penalty on the applicant and also appellate order dated 12.12.95 for continuing the punishment till the age of retirement of the applicant. Subsequently, the respondents preferred the writ petition before the Hon'ble High Court vide Writ Petition No.1268 (SB) of 2004 and the said writ petition was also dismissed on 25.8.2004 with liberty to the writ petitioners to file review application. Accordingly, review application was filed and the said review application was also dismissed by the Tribunal on 16th April, 2012.

2. Learned counsel appearing on behalf of the applicant submitted that since the respondents have not complied with the orders of the Tribunal and he has submitted the representation on 11.2.2014 as such notice is to be issued to the respondents to comply with the orders of the Tribunal.

3. The bare perusal of the record shows that the Tribunal decided the O.A. by means of order dated 19.4.2004. The writ petition was

dismissed by the Hon'ble High Court on 25.8.2004 and review application submitted by the O.A. respondents was also dismissed by order dated 16th April, 2012 and the present CCP is filed on 27.5.2014. The Rule 6,7 and 8 of the Central Administrative Tribunal (Contempt of Courts) Rules, 1972 reads as under:-

"6. Taking cognizance- Every proceedings for contempt shall be dealt with by a Bench of not less than two members:

Provided where the contempt is alleged to have been committed in view of presence or hearing of the Member(s), the same shall be dealt with by the Member(s) in accordance with Section 14 of the Act.

7. Initiation of proceedings- (i) Every petition for "Civil Contempt" made in accordance with these rules shall be scrutinized by the Registrar, registered and numbered in the Registry and then placed before the Bench for preliminary hearing.

(ii) Every petition for "criminal contempt" made in accordance with these rules and every information other than a petition, for initiating for action for criminal contempt under the Act on being scrutinized by the Registrar shall first be placed on the administrative side before the Chairman in the case of the Principal Bench and the concerned Vice Chairman in the case of other Benches or such other Member as may be designated by him for this purpose and if he considers it expedient and proper to take action under the Act, the said petition or information shall be registered and numbered in the Registry and placed before the Bench for preliminary hearing.

(iii) When suo motu action is taken, the statement of facts constituting the alleged contempt and copy of the draft charges shall be prepared and signed by the Registrar before placing them for preliminary hearing.

8. Preliminary hearing and Notice- (i) The bench, if satisfied that a prima facie case has been made out, may direct issue of notice to the respondent; otherwise, it shall dismiss the petition or drop the proceedings.

(ii) The notice shall be in Form No.1 and shall be accompanied by a copy of the petition or information, and annexures, if any, thereto.

(iii) Service of notice shall be effected in the manner specified in the Central Administrative Tribunal (Procedure) Rules, 1987 or in such other manner as may be directed by the Bench.

4. Section 17 of the Administrative Tribunal 's Act provides for **Power to punish for contempt**. Needless to say about Section 20 of the Contempt of Courts Act, 1971 which provide for Limitation for action for contempt. 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.”

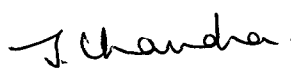
5. The principles underlying the law of limitation is that a litigant must act diligently and not sleep over its right. Apart from this, the contempt power is meant to uphold the judicial dignity but the litigant has to approach within the ambit of the Act.


6. Section 22 of the Contempt of Courts Act provides as under:-

“22. **Act to be in addition to, and not to derogation of, other laws relating to contempt**- The provisions of this Act shall be in addition to, and not in derogation of the provision of any other law relating to contempt of courts.”

7. We have no hesitation to say that the order passed by this Tribunal is of 2004, writ petition was also dismissed in 2004. Review Application was dismissed in 2012 whereas the present contempt petition is filed in 2014. The present contempt petition is filed after the limitation period of one year. There is no provision for condoning the delay in filing the contempt petition.

8. In view of the above, the present contempt petition is dismissed.


(Ms. Jayati Chandra)
Member (A)


(Navneet Kumar)
Member (J)

HLS/-