

CEPA - 30/95

1./ 29.5.95.

Hon'ble Mr. Justice R.K. Varma, V.C.

Hon'ble Shri K.D. Saha, Member (A)

Shri S.K. Singh, the learned counsel for the applicant. ~~He~~ Heard learned counsel on the question of admission. Issue notices to the other side to show cause why the contempt proceedings be not initiated against them. List this case on 27.6.95. The respondents may file counter reply before the date of hearing. ~~the~~ Requisites are to be filed within 3 days.

(K.D. Saha)
Member (A)

R.K. Varma
(R.K. Varma)
Vice-chairman

2/27.6.1995

Hon'ble Mr. A.K. Sinha, Member (J)

Hon'ble Mr. K.D. Saha, Member (A)

Shri S.K. Singh, learned counsel for the applicant submits that copy of the show-cause has been served on him only today and he prays for time to file reply to show-cause. He further submits that this may be listed for hearing on 3rd of July, 95. The Sr. Standing Counsel for the Union of India Shri J.N. Pandey is present in the Court. Let it be listed on 3rd of July, 1995 for hearing.

(K.D. Saha)
Member (A)

(A.K. Sinha)
Member (J)

1/CBS7
Notice
Issued
27.5.95
Show-cause on
behalf of
respondents
27.5.95
Show-cause filed
at the Registrar
behalf of the
applicant
27.5.95

CCPA- 30/95

3./ 3.7.95.

Hon'ble Mr. Justice R.K. Varma, V.C.

Hon'ble Shri K.D. Saha, Member (A)

List this case on 4.7.95.

/CBS/

(K.D. Saha)

Member (A)

R.K. Varma

(R.K. Varma)

Vice-chairman

4.7.95

CM

Hon'ble Shri A.K. Sinha, Member(J)

Hon'ble Shri N. Sahu, Member(A)

Heard the learned counsel for the petitioner who submitted that notices were issued to show cause to the respondents as to why contempt proceeding be not initiated against them and in pursuance thereof the respondents have filed their show cause on 30.6.1995. He further submitted that in the present petition the contemnors are Shri P.S. Narula, Chief General Manager Telecom, Bihar Circle, Patna, and Shri R.M. Prasad, T.D.M., Ranchi but the show cause has been filed on behalf of the respondents by one Shri V.D. Singh, A.E. (Legal), Department of Telecom and he drew our attention to rule 11 of Contempt of Courts Rules, 1992, framed under the Central Administrative Tribunals Act, which clearly lays down that the respondent may file his reply duly supported by an affidavit on or before the first date of hearing or within such extended time, as may be granted by the Tribunal.

2. Rule 10 of the aforesaid Rules lays down that unless ordered otherwise by the Tribunal, whenever a notice is issued under these Rules, the respondent shall appear in person in the case of 'criminal contempt' and in person or through an Advocate in the case of civil contempt at the time and place prescribed in the notice and continue to attend on subsequent dates to which the petition is posted.

3. On the basis of these legal position, the pith and substance of the contentions of the

learned counsel Shri S.K. Singh for the petitioner is that the show cause filed on behalf of the respondents is not a proper show cause and there is nothing in the show cause to disclose that Shri V.D. Singh, who has filed this show cause, has been duly authorised by the contemners to file this show cause and the show cause is not an affidavited petition, as required under the Rules of the Contempt of Courts Rules framed under the Act.

4. Mr. J.N. Pandey, Senior Standing Counsel for the Union of India, who is present in Court, is directed to file the show cause of the respondents, namely, Shri P.S. Narula, CGMT, Bihar Circle, Patna, and Shri R.M. Prasad, T.D.M., Ranchi, in proper affidavited form since the present show cause filed by one Shri V.D. Singh does not show or disclose that he has been duly authorised by the contemners to file the show cause and that the present show cause filed is not an affidavited petition; rather a verification has been given at the end of the petition by said Shri V.D. Singh. The show cause to be filed within two weeks. List this case on 17.7.95.

Handwritten signature
(M. Sahu)
Member (A)

Handwritten signature
(A.K. Sinha)
Member (J)

*to be listed
on 18.7.95
as per order
of Hon'ble
Court*

Handwritten signature
18.7.95

5
18.7.1995

Hon'ble Mr. A. K. Sinha, Member (J)

Hon'ble Mr. N. Sahu, Member (A)

We have heard the learned counsel Shri S.K. Singh for the petitioner and the Sr. Standing Counsel Shri J.N. Pandey, opposite party on the contempt petition and we have also gone through the show-cause filed on behalf of the respondents and also the rejoinder filed by the petitioners.

2. After hearing at length the learned counsel of the parties and gone through the order of this Tribunal passed in O.A.-121/95 dated 19.5.1995 and the compliance order by the opposite party in its order dated June 6, 1995 contained in Annexure-A/5 to the rejoinder petition, we are of the view that prima facie, no contempt has been committed by the respondents in compliance with the order of this Tribunal referred to above dated 19.5.1995.

3. At this stage, however, the learned counsel for the petitioner submitted that if the Tribunal considers that no contempt has been committed by the opposite party, he may be allowed to withdraw this petition.

4. Considering the submissions of the learned counsel for the parties, the prayer for withdrawal of the application is allowed and this CCPA is dismissed as withdrawn.

(N. Sahu)
Member (A)

(A. K. Sinha)
Member (J)