

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

CCPA No.2 of 1999[In OA 65/96]

Patna, dated the 20th September, 2005

CORAM: The Hon'ble Mr. Justice P.K. Sinha, V.C.
The Hon'ble Mr. Mantreshwar Jha, Member [A]

Bharat Bhushan Sharma .. Applicant

By Advocate: Shri Gautam Bose

versus

Sri K.N.Mahadewan, Chief General Manager[Telephone],
Telecommunications, Bihar Circle Patna and others.

.. Respondents

By Advocate: Shri V.M.K. Sinha

O R D E R

Mantreshwar Jha, Member[A]:-

This application has been filed for alleged non-compliance of the order passed by this Tribunal in OA 65 of 1996 on 4.6.1998. The operative portion of the order of the Tribunal in the aforesaid OA is produced below:-

“The respondents shall find out the number of days for which the applicant has worked as casual labour. This



can be decided on the basis of the documents which may be furnished by the applicant and also on the basis of the record available with the Department. After working out the number of days for which the applicant has worked as casual labour the respondents shall consider the re-engagement of the applicant as casual labourer in case work was available and the persons who have worked for lesser number of days as compared to the applicant are still working.”

2. The applicant has alleged that the respondents have, in spite of reminders, failed to comply with the order and thereby committed contempt of Court.

3. Respondents have filed show-cause on 11.5.2000. In the show-cause, it has been submitted that full details were not furnished by the applicant for which letter was issued to him and a vague reply was submitted by the applicant, which does not satisfy the purpose of inquiry. The letter issued to the applicant and the reply received have been annexed at Annexure-R/2 and Annexure-R/2-1. All the same, the respondents have thoroughly investigated the question through the SDE[G], Hilsa, and DET, Nalanda, Biharsharif, and the reports furnished by them are annexed at Annexures-R/3 and R/4. After examining the question, as per



the direction of the Tribunal, the respondents have issued a speaking order at Annexure-R/1, rejecting the representation of the applicant on the ground that the applicant does not fulfil any of the requirements nor he has produced any substantial documentary evidence of his claim for engagement as DRM. Moreover, plea has been taken that there is no work on regular/casual basis in the Department to enable the Department to consider the case of the applicant.

4. A rejoinder has been filed by the applicant to controvert the submissions made by the applicant. Photo copies of papers submitted by the applicant have also been produced as per direction of this Tribunal dated 30.8.2005.

5. We have heard learned counsel for the parties and carefully gone through the submissions made. It has been submitted by the learned counsel for the applicant that the documents furnished by the applicant have not been properly scrutinised by the respondents and order has been passed at Annexure-R/1 without considering the papers submitted by the applicant. However, in this contempt petition, we are only concerned whether the order of this Tribunal has been complied with. The Tribunal had not given any

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time-frame for disposing of the representation of the applicant in its order dated 4.6.1998. All the same, respondents have taken unusually long time in passing the speaking order in terms of the order of this Tribunal. They have, however, tendered unqualified apology for the delay which was caused due to non-submission of detailed information by the applicant for the purpose of inquiry.

6. We are aware of the recent decision of the Apex Court in Civil Appeal No. 3713 of 2005 dated 15th July, 2005, wherein the Apex Court has observed as follows:-

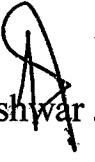
“The Court exercising contempt jurisdiction cannot take upon itself power to decide the original proceedings in a manner not dealt with by the Court passing the judgment or order... In other words, it cannot say what should not have been done or what should have been done. It cannot traverse beyond the order. It cannot test correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction while dealing with an application for initiation of contempt proceedings.”

7. So far as the present contempt petition is concerned, it is quite clear that order of this Tribunal has been complied with by the respondents by passing a reasoned and speaking order after examining the claim of the applicant made in his representation dated 17.7.1998 along with its Annexures, as is evident from para 3 of the order. Whether the order so passed is right or wrong is not relevant



for consideration of the contempt petition in view of the direction of the Hon'ble Apex Court, as quoted above.

8. The contempt petition, accordingly, fails and is, therefore, dismissed. Notices issued are discharged.


[Mantreshwar Jha] MA


[P.K.Sinha] V.C.

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