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OA.NO. 432/90

Dated: 21.4.1992

C.P.NO. 77/92

Tribunal's order
(per: S.F. Razvi, M(J))

This contempt application has been filed by the applicant in OA.432/90 which was disposed of by an order dated 16.4.1991 whereby this Tribunal held that it had no jurisdiction to entertain the grievance of the applicant and accordingly ordered that the original copy of the application be returned to the applicant along with a copy of the order for presentation in the proper forum if the applicant so desires and if he is so advised.

2. The grievance of the applicant now before this Tribunal by way of contempt application is that the order passed by this Tribunal holding that it had no jurisdiction to entertain the claim of the applicant is totally illegal and the respondents ought to have granted the benefits which the applicant has claimed in the original application and this Tribunal should have given the reliefs sought for by issuing necessary directions in that behalf.

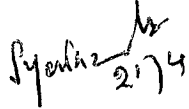
3. We have heard the applicant in person who himself argued the case. Bereft of oft repetitions and irrelevant matters found in this application, the main grievance appears to be that this Tribunal erred in holding that it had no jurisdiction to entertain the case. Unwanted and totally baseless averments have been made in this application against the respondents and the Hon'ble Members who had decided the original application. Having regard to the nature of the application and the way how the applicant has been conducting himself we do not take serious view of such irrelevant averments. Suffice it will be for us to say that the present application for contempt, filed, is totally misconceived and no action can be initiated against the respondents for the alleged contempt which does not exist.

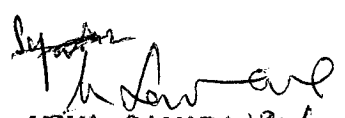
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If at all the applicant was aggrieved by the order passed by this Tribunal holding that it had no jurisdiction, it was open to him to seek relief against that order before the appropriate forum either by way of appeal before the Hon'ble Supreme Court or by filing a review application. The applicant has not chosen to do either of these and instead he is contending before us that the order passed on 16.4.1991 is an erroneous order. By that order dated 16.4.1991 the Bench had not given any direction to the respondents for compliance and there is no question of the respondents wilfully or deliberately delaying or refusing to carry out any direction given by this Tribunal. We fail to see as to how the respondents could be prima facie said to be guilty of any contempt.

4. Before we part with this contempt petition, it has become necessary to mention that the applicant has filed M.P.No. 17/92 under Rule 24 of the Administrative Tribunals Rules 1987 and in this M.P. he has sought for grant of interim pension, all equitable reliefs and full cost of the two original applications which he filed and which came to be disposed of on the ground that the Tribunal has no jurisdiction. It is needless to say that such reliefs which have now been sought by way of M.P. cannot be adjudicated by this Tribunal in the Contempt petition. When the original application has been disposed of on the ground of want of jurisdiction, the applicant can canvass his case and seek appropriate reliefs, before the proper forum in accordance with law. He cannot ventilate such grievance by filing an M.P. in this contempt application.

5. We, therefore, feel that this application, as already pointed out, is totally misconceived and accordingly we dismiss this contempt application without notice to the respondents, the alleged contemnors.


(S.F. RAZVI)
MEMBER (J)


(MS. USHA SAVARA) 21/4/92
MEMBER (A)