

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, MUMBAI.

R.P. No.: 10/2007 IN O.A. No.: 366/95.

Dated this Wednesday the 6th day of June 2007.

CORAM : Hon'ble Shri A. K. Agarwal, Vice-Chairman.

Hon'ble Shri Muzaffar Husain, Member (J)

Mohd. Usman Abdul Bari

... Applicant
(Review Petitioner)

VERSUS

Union of India & Others

... Respondents.

ORDER

Per : Shri A. K. Agarwal, Vice-Chairman.

This Review Petition has been filed for the review of the order given by the Tribunal on 04.04.2007 while disposing of contempt petition no. 18/2006. The contention of the petitioner is that the Tribunal had dismissed the contempt petition on the ground that substantial compliance of the Tribunal's order dated 29.07.2005 has been done by the respondents. The petitioner has contended that direction given by the Tribunal for referring the matter to competent authority to pass orders in the disciplinary proceedings has not been complied with till date. It is further mentioned that the benefit granted by the respondents to the Review Petitioner like provisional pension, medical benefits, passes, etc. are as per



rules and were not a part of the direction given by the Tribunal in its judgment dated 29.07.2005. In view of above, a prayer has been made by the applicant to review the order dated 04.04.2007 and restore the contempt petition on file.

2. After perusal of the case we observe that while setting aside the order of removal from service of the applicant the respondents were granted liberty to proceed in the matter by referring it to the competent authority for appropriate orders. The respondents have been taking time for implementation of the Tribunal's order and the applicant filed a contempt petition in June 2006. The Tribunal vide its order dated 06.10.2006 granted extension of time to respondents up to 29.01.2007 for the implementation of its direction. On 29.01.2007 when the applicant voiced a grievance about medical facilities and passes the respondents sought time for filing a status report. The learned counsel for respondents submitted that the applicant is entitled for medical benefits and railway passes. Regarding compliance of Tribunal's direction, the respondents had stated that the matter was referred to the Railway Board and after doing the needful the Railway Board has sought the opinion of UPSC. It was mentioned by respondents that since the applicant has superannuated, the advice of UPSC is an essential requirement. The Tribunal, after observing that the respondents have made a substantial progress after referring the matter

to the competent authority, arrived at a conclusion that substantial compliance of Tribunal's direction has been done and dismissed the C.P.

5. Besides facts of the case as mentioned above, we also find that there is no provision of reviewing an order given by the Tribunal while disposing of a contempt petition. The Lucknow Bench of this Tribunal while disposing of Review Petition in the case of Baljeet Singh Vs. Shambhu Nath Chaturvedi & others [2002 (1) ATJ 657] has held as follows :

"Thus, this Tribunal is governed by the Contempt of Courts Act, 1971 and the Contempt of Courts (C.A.T.) Rules, 1992. Under the Contempt of Courts Act, there is no provision to review an order. Thus, though rule 7 of C.A.T. (Procedure) Rules, 1987 provides for review but the Contempt of Courts (C.A.T.) Rules, 1992 does not provide procedure for review of an order passed on a Contempt Petition."



4. In view of the above, we are of the opinion that the Review Petition filed by the applicant has no merit and further, there is no legal provision for the review of an order passed on a contempt petition. As a result, the Review Petition No. 10/2007 is dismissed by circulation.

Complaint Type: Contempt of Court
Date: 14/6/07

Recd. by [Signature]
Date: 14/6/07

For [Signature]
25/6/07

Section Officer
Central Admin. Tribunal

(A.K. AGARWAL)
VICE-CHAIRMAN

No. (CAT/Mum) JUDL/ RP. No-10/07 in OA 366/93/3474-3-

1) Shri. R. Ramch, Counsel for Applicant.

2) Shri. V.S. Masurkar, Counsel for Respondent.

for VINAY S. MASURKAR
Recd. by [Signature]
Date: 15-06-07

Despatched on: 15/6/07

15/6 0/c 19/6/07

SO