

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 45/1997

Date of Decision: 21/4/97

Anant Prasad Singh

Petitioner/s

in person

Advocate for the
Petitioner/s

V/s.

Union of India & Anr.

Respondent/s

Shri Karkera for Shri P.M.Fradhan

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri **B.S.Hegde, Member(J).**

Hon'ble Shri **P.P.Srivastava, Member(A).**

- (1) To be referred to the Reporter or not ? *X*
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? *P*

abp.

B.S.Hegde
(B.S.Hegde)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6,PRESCOT RD,4TH FLR,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO: 45/97.

DATED THIS 21ST DAY OF APRIL, 1997.

CORAM : Hon'ble Shri B.S.Hegde, Member (J).

Hon'ble Shri P.P.Srivastava, Member (A).

Shri Anant Prasad Singh,
working as S.D.F.,
Office of the G.M.T., Nashik,
R/a. 1/12, Mhada Building,
Behind Blild School,
Nashik Road - 422 101.

... Applicant.

V/s.

1. Union of India,
through the Chief General Manager,
Telecommunication,
Maharashtra Circle,
Mumbai.
2. The General Manager,
Telecom,
Nashik - 422 002.

... Respondents.

By Advocate Shri S.S.Karkera for
Shri P.M.Pradhan.

I O R D E R I

I Per Shri B.S.Hegde, Member(J) I

Heard the Applicant in person. Shri S.S.Karkera for
Shri P.M.Pradhan for Respondents.

The applicant states that he has already preferred an
appeal against the Suspension Order which has already been
withdrawn by him.

In the circumstances, we hereby direct the applicant
to prefer an appeal under CCS rules within a period of 15 days
from the date of receipt of this order., similarly, the
respondents are directed to dispose of the appeal within a
period of two months from the date of receipt of appeal.
OA is disposed of with above directions. Copy of the order
be given to parties.

(P.P.SRIVASTAVA)

M(A)

abp.

(B.S.HEGDE)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6,PRESOT RD,4TH FLR,

MUMBAI - 400 001.

REVIEW PETITION NO.44/97 in O.A.No.45/97.

DATED THIS 15th DAY OF JULY 1997.

CORAM: Hon'ble Shri B.S.Hegde, Member (J).

Hon'ble Shri P.P.Srivastava, Member (A).

Anant Prasad Singh,
working as S.D.E.,
Office of the G.M.T., Nashik,
R/a. 1/12/ Mhada Building,
Behind Blild School,
Nashik Road - 422 101.

... Applicant

v/s.

1. Union of India,
through the Chief General Manager,
Telecommunication,
Maharashtra Circle,
Mumbai.

2. The General Manager,
Telecom,
Nashik - 422 002.

... Respondents.

{ ORDER BY CIRCULATION }

{ Per Shri B.S.Hegde, Member (J) }

The applicant has filed this review application seeking review of judgement dated 21/4/97. After hearing the parties on 21/4/97, we have come to know that the applicant has already withdrawn the representation/appeal against the suspension order passed by respondents., and further directed the applicant to prefer an appeal under CCS rules within a period of 15 days from the date of receipt of this order, and on receipt of the same, the respondents are directed to dispose of the appeal within a period of two months.

Instead of adhering to the direction of the Tribunal, the applicant has filed this review petition questioning the authority of the respondents to keep him under suspension stating that the said order is against Article 20 & 21 of the Constitution, etc. Therefore he wants the order passed earlier to be recalled.

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It may be noted that the power of the review is very limited and it is not open to the applicant to re-argue the case once again and the application filed by applicant seeking review has not made out any ground nor any ground is available for filing review petition because the direction was to prefer an appeal to the competent authority which he did not admittedly do.

In the circumstances, review is not maintainable and the same is dismissed by circulation.



(P.P. SRIVASTAVA)
MEMBER (A)



(B.S. HEGDE)
MEMBER (J)

abp.

add. 15/7/97
order/ sent despatched
to Applicant respondent (s)
on 23/2/97 / 24/2/97
88 applicant is
24/2/97 person.

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

CONTEMPT PETITION NO.: 02/98 IN O.A. NO.: 45/97.

Dated this Friday, the 27th day of March, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI M. R. KOLHATKAR, MEMBER (A).

Anant Prasad Singh
S.D.E. O/o. G.M.T. Nasik,
R/o. Flat No. 1/12,
'MHADA' Bldg.,
Behind Andhashala,
Nasik Road - 422 101.

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Petitioner.
(In Person).

Versus

1. Shri C. V. Rajan,
Union Of India through
Chief General Manager,
Maharashtra Circle,
Mumbai - 400 001.

2. Shri B. Prasad,
The General Manager,
Telecom,
Nasik - 422 002.

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Respondents
(Contemnors).

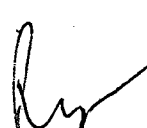
(By Advocate Shri P. M. Pradhan)

TRIBUNAL'S ORDER :

We have heard the applicant in person
and Shri P. M. Pradhan, Counsel for the respondents.

2. The applicant has filed C.P. No. 02/98
alleging that the respondents have committed contempt.
The Learned Counsel for the respondents submits that
he has not yet filed the reply and he wants time for
reply but still he argued on the available materials
on record.

3. The contempt petition is filed on the
ground that the respondents have not complied with the

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orders passed by this Tribunal on 21.04.1997 in the O.A. In the final order passed in the O.A., it is stated by this Tribunal that the applicant shall prefer an appeal within 15 days from the date of receipt of the order and if such an appeal is filed, the respondents shall dispose of the same within a period of two months.

Now the applicant's case is that, he has filed such an appeal but the respondents have not disposed of the appeal within two months and, therefore, they have violated the orders passed by this Tribunal and hence, they have committed contempt.

4. ~~The Learned Counsel for the~~ applicant has brought to our notice certain facts and contended that since the respondents have committed contempt by not disposing of the appeal within two months as directed by this Tribunal, they are liable for action under contempt of law. The Learned Counsel for the respondents pointed out that the delay is due to administrative reasons and the respondents have since disposed of the appeal and, therefore, no question of contempt is involved.

5. The jurisdiction under the Contempt of Law cannot be utilised for satisfying the interest of a particular party. The Law of Contempt is there to provide enforcement to orders passed by the Tribunals or Courts. If we go strictly by the letter of the order dated 21.04.1997, the applicant should have

filed the appeal within two weeks from the date of receipt of the order and then only the respondents were obliged to dispose of the appeal within two months. Now today, the applicant himself conceded before us that he filed the appeal as late as on 17.10.1997, which is certainly neither within two weeks nor within two months, but it is six months after the order was passed by this Tribunal. We are not concerned for the moment as to why the delay occurred on the part of the applicant in filing the application. If the applicant wants this Tribunal to take action in pursuance of the order dated 21.04.1997, it was obligatory on the part of the applicant to submit the appeal within fifteen days, then only he could insist that the appeal should be disposed of within two months, failing with, they are liable for contempt. Now it is brought to our notice that the respondents have since disposed of the appeal by an order dated 20th March, 1998, which is passed by the concerned authority, namely - Member (Services), Telecom Commission. Even the applicant admitted that he has received the order. Even granting that there was some delay, it is not a case for willful disobedience so as to call for action under the contempt of law.

6. In the circumstances of the case, we are not inclined to take any action under the Contempt Of Law. If the applicant is aggrieved by the order of dismissal of his appeal vide order dated 20th March, 1998, then it is open to the applicant to challenge the same

according to law. Hence, we are not inclined to take any action under the law of contempt.

7. In the result, the contempt petition no. 02/98 is rejected. In the circumstances of the case, there will be no order as to costs.

M.R. Kolhatkar
(M.R. KOLHATKAR)
MEMBER (A).

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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add. 27/3/98
Order/Judgement despatched
to Applicant/Respondent(s)
on 22/4/98.

22/4/98