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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

MISCELLANEOUS APPLICATION NO.424 of 1998
AND
CONTEMPT PETITION (Sr.) No.3350 of 1997
IN
ORIGINAL APPLICATION NO.1260 of 1996

DATE OF ORDER: 11th August, 1998

BETWEEN:

1. D.Thrimurthy,
2. S.Khasim Peerans,
3. Y.P.Hanoor Sahib,
4. M.Raman,
5. K.Atchaiah,
6. K.Nagaraju,
7. M.Joseph,
8. K.Jogarao,
9. V.Vasudevan,
10. R.Nagabrahma Chari,
11. M.David,
12. P.Rayappa,
13. R.Devadanam,
14. K.Lokanadha,
15. M.Subba Rao,
16. J.Rathaiah,
17. J.Veerakesava Rao,
18. M.Rayappa,
19. J.Satyanarayana,
20. B.Gopinath,
21. D.Krishna Murthy,
22. Ch.Lakshmanasingh,
23. S.Prakasa Rao,
24. S.Krishnamurthy,
25. E.Pothuraju,
26. B.Syamala Prasad,
27. M.Devadas,
28. M.Yesudas.

.. APPLICANTS

AND

Smt.Prameela Hingorani Bhargava,
Sr.Divl.Personnel Officer,
South Central Railway,
Vijayawada.

.. RESPONDENT

COUNSEL FOR THE APPLICANTS: Mr.K.SUDHAKAR REDDY

COUNSEL FOR THE RESPONDENTS: Mr.V.RAJESWARA RAO, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, Member (Judl.)

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O R D E R

(ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.K.Sudhakar Reddy, learned counsel for the applicants and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicants in the OA filed^a Contempt Petition which was returned back by the Registry raising certain objections. The C.P. dated 30.6.97 was filed before the Registry. Immediately, thereafter the Registry raised some objections. Those objections were replied after a delay of 150 days. Hence the present M.A. is filed for condoning the delay of 150 days in re-presenting the CP.

3. A reply has been filed in this M.A. by the respondents. The respondents submit that under Section 20 of the Contempt of Court Act, 1971, the limitation of one year is prescribed for initiating the contempt proceedings for wilful disobedience in complying the court orders. This limitation of one year includes the period, if any, for re-presenting, if some objections are raised by the Registry. The applicants herein took inordinate delay of 150 days in re-presenting the C.P. after complying with the objections raised by the Registry and thereby they over-shot the limitation period. The allegation of contempt of court is a serious matter and the applicants cannot be complacent and negligent in bringing it to the notice of the Tribunal the lapses, if any, on the part of the respondents within the period of limitation. Hence the respondents submit that condoning the delay in re-presenting the CP is not called for. As a matter of fact, they submit that there is no

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contempt committed by the respondents.

4. There is no doubt that the contempt proceedings are to be initiated for wilful disobedience on the part of the respondents. The directions given ^{to be} ^{with} are complied and if the applicant in the OA ^{are} ~~is~~ not satisfied with the compliance of the directions by the respondents, ~~he~~ ^{they} should be alert enough to approach the Tribunal by filing a CP within the limitation period. When some objections are raised by the Registry, it is for the applicant filing the CP to be vigilant and answer the queries without any delay. If some delay is going to take place then the same should have been brought to the notice of the Registry the reasons ^{delay in} for filing reply to the objections. If, without such an action, the applicant who filed CP takes his own time for answering the objections raised by the Registry, it has to be held that the applicant is not very much interested in pursuing his contempt case and probably he might have satisfied with the compliance of the directions substantially.

5. In that view, the submission of the respondents that the time taken in re-presentation should also be taken into account for assessing whether the CP has been filed within the period of limitation, is to be accepted. In some cases it may be possible that some time is required in replying due to the nature of objections raised. But even in such cases, proper information to the Registry should be given as stated above and objections raised should be replied within a very reasonable short period.

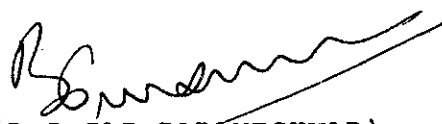
6. In the present case, there is a delay of 150 days in re-presentation. The objections raised in the CP are

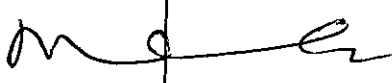
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not at all very difficult to answer. Hence it has to be held that the applicant, had unnecessarily delayed for no reason for complying with the objections raised by the Registry. In that view, we are of the opinion that the MA for re-presentation has to be rejected but, however, this rejection cannot be treated as a precedent in ~~any~~ other cases. Each case has to be examined on its merit.

7. In view of what is stated above, the MA for condoning the delay in re-presentation is dismissed. No order as to costs.

8. As the MA for re-presentation is dismissed, the C.P stands rejected.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
11.8.98


(R. RANGARAJAN)
MEMBER (ADMN.)
DR

DATED: 11th August, 1998

vsn

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Copy to:

1. Smt. Prammela Hingorani Bhargava, Senior Divisional Personnel Officer, South Central Railway, Vijaywada.
2. One copy to Mr. K. Sudhakar Reddy, Advocate, CAT, Hyderabad.
3. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
4. One copy to D.R(A), CAT, Hyderabad.
5. One duplicate copy.

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II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :

M(J)

DATED: 16/8/98

ORDER/JUDGMENT

M.A./C.A. NO. 424/88 in

CASE 3350/97

in

C.A. NO. 1260/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

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