

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 6/12/2000

CP 142/94 (OA 1099/92)

Laxminarain Meena, Marker under S.S., W/Rly, Agra.

... Petitioner

v/s.

1. Shri M.Sirajuddin, Dvl.Rly. Manager, W/Rly, Kota Division, Kota.
2. Shri S.D.Meena, Sr.Divisional Commercial Supdt., W/Rly, Kota Division, Kota.
3. Shri Arjun Tabiar, Dvl.Personnel Officer, W/Rly, Kota Division, Kota.
4. Shri V.D.Gupta, General Manager, W/Rly, Churchgate, Mumbai.
5. Shri Ram Pal Rehan, Dvl.Rly. Manager, W/Rly, Kota Dn., Kota.
6. Shri S.L.Meena, Sr.Dvl.Comm.Manager, W/Rly., Kota Dn. Kota.
7. Shri Gopal Lal Verma, Sr.Dvl.Personnel Officer, W/Rly, Kota Dn., Kota.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

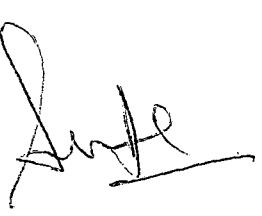
HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Petitioner ... Mr.S.K.Jain

For the Respondents ... Mr.Manish Bhandari

O R D E R

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER


This Contempt Petition has arisen out of an order passed on 22.8.94 in OA 1099/92, Laxminarain Meena v. Union

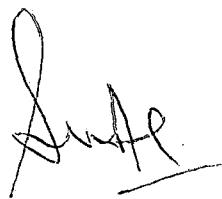
of India, by this Tribunal.

2. Vide order dated 22.8.94, passed in OA 1099/92, Laxminarain Meena v/s Union of India, this Tribunal gave directions as under :-

"The respondents are directed to consider the case of the applicant in the light of the subsequent order passed by them in favour of Girish Chand and to see that equal treatment is given according to law. This consideration may be made within a period of three months from the date of ~~xx~~ receipt of the copy of this order."

3. It is stated by the petitioner that opposite parties have wilfully and deliberately disobeyed the orders of this Tribunal dated 22.8.94 although he submitted application before the opposite parties alongwith the copy of the order dated 22.8.94. Therefore, the petitioner has filed ~~xx~~ this Contempt Petition to initiate contempt proceedings against the opposite parties.

4. Show-cause notice was issued to the opposite parties and ~~xx~~ a reply to the Contempt Petition was filed before this Tribunal. It is stated that in pursuance of the order passed by this Tribunal, the answering respondents after making full and sincere efforts came to the conclusion that the case of Shri Girish Chand stands on different footing than the applicant and, therefore, passing the order dated 10.1.95 in pursuance of the direction given by this Tribunal



does
in OA 1099/92 dated 22.8.94 ~~is~~ not in any way come within
the purview of contempt and the applicant has no case for
initiation of contempt proceedings against the opposite
parties. Therefore, the opposite parties have requested
to dismiss the Contempt Petition filed by the petitioner.

5. Vide an order passed in MA 12/2000 on 27.1.2000
opposite parties No.4 to 7 were allowed to be impleaded
in the Contempt Petition and notices were sent to them but
after service they did not file any reply.

6. Heard the learned counsel for the parties and also
perused the whole record.

7. Disobedience of Tribunal's order can be considered
as contempt only when it is wilful or deliberate. Mere
complying the orders with delay or having two different
interpretations of the order passed by the Tribunal does
not amount to contempt. It is the duty of the petitioner
to prove that opposite parties have deliberately and
wilfully disobeyed the orders/directions issued by the
Tribunal. Unless it is proved that opposite parties have
wilfully and deliberately disobeyed the orders passed
by this Tribunal, no proceedings of contempt can be
initiated against them.

8. In the instant case, it appears that vide order
dated 10.1.95 the respondent department has examined the



claim of the applicant and by a detailed and speaking order it was opined that the applicant was not entitled for ~~x~~ equal treatment as given to Shri Girish Chand and the same was communicated to the applicant. We have also perused the original record (selection proceedings for promotion) and it is clear that on inquiry having been made by ~~xx~~ the C.B.I. it was found that the administration has erroneously determined the quota of ST candidates in excess to the reservation made for them and thereby a conclusion was drawn that one ~~xxx~~ extra vacancy has been given to the ST candidate and as a consequence thereof one Shri Gulab Chand Meena, who was given the benefit of reservation, was taken out from the panel and thereby Shri ^{who} Girish Chand had qualified the selection could get the place in the panel. It is also clear from perusal of the original file that the ~~xxx~~ petitioner did not qualify the selection test as he secured only 45% marks, whereas Shri Girish Chand ~~xxxxx~~ cleared the selection test by securing 65% marks. In view of above all, we do not find any infirmity in the order dated 10.1.95 and we are of the considered opinion that no case of contempt is made out against the opposite parties.

9. We, therefore, dismiss this Contempt Petition and the notices issued against the opposite parties are hereby discharged.

Chand
(A.P.NAGRATH)
MEMBER (A)

S.K.Agarwal
(S.K.AGARWAL)
MEMBER (J)