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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

CP No.18/99 (OA No.291/96) Date of order: 04.01.2000

Vichitra S/o Shri Samgharu at present employed on the post of Gangman, Kota Division, Western Railway, Kota.

.. Petitioner

Versus

1. L.R.Thapar, Divisional Railway Manager, Western Railway, Kota Division, Kota.

.. Respondent

Mr. Shiv Kumar, counsel for the petitioner

Mr. Anupam Agarwal, Proxy to Mr. Manish Bhandari, counsel for the respondent.

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

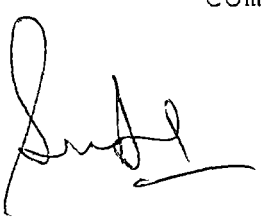
ORDER

Per Hon'ble Mr. S.K.Agarwal, Judicial Member

~~This~~ This Contempt Petition^{is} filed under Section 17 of the Administrative Tribunals Act arising out of OA No.291/96 order passed on 1.12.1997. The following directions were issued by this Tribunal vide order dated 1.12.1997.

"In the circumstances, we direct the respondents to extend all the pensionary benefits to the applicant as may be admissible under rules. The above directions shall be complied with by the respondents within a period of four months."

2. It is stated by the learned counsel for the petitioner that the alleged contemner/opposite party did not comply with the order dated 1.12.1997 passed in OA No.291/96



and deliberately and wilfully disobeyed the same. Therefore, petitioner makes a prayer to initiate contempt proceedings against the opposite party and to punish him accordingly.

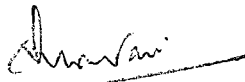
3. Reply to show-cause was filed by the opposite party. In the reply it has been categorically stated that the petitioner was considered for pensionary benefits but he is not entitled for grant of pensionary benefits as he did not possess the qualifying service as per Manual of Railway Pension Rules. It is also stated that orders have been issued for other benefits admissible to the petitioner and in this way compliance of this Tribunal's order dated 1.12.1997 has been made.


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

5. Disobedience of this Tribunal's order amounts to contempt only when it is wilful. It is the duty of the petitioner to establish that non-compliance of the directions given by this Tribunal was deliberate and wilful. Unless it is established by the petitioner, no case of contempt against the opposite party is made out.

5. In the instant case the petitioner was not given pension on the ground that he has not completed the qualifying service of 10 years as per Railway Pension Manual. We, therefore, are of the opinion that the petitioner failed to establish any case of contempt against the opposite party.

10. This Contempt Petition is, therefore, dismissed and notice issued against the opposite party is hereby discharged


(N.P. NAWANI)
Adm. Member


(S.K. AGARWAL)
Judl. Member