

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.P.No.5/99

Date of order: 16/3/2007

Mahesh Chandra Verma, S/o Late Shri Chhitarmal, R/o 88-A, Hari Marg, Civil Lines, Jaipur, last employed as Technical Supervisor (Operative) GMTD, Jaipur.

...Petitioner.

Vs.

1. Shri Anil Kumar, Secretary to the Deptt of Telecommunication, Sanchar Bhawan, New Delhi.
2. Shri A.K.Arora, General Manager Telecom, District Jaipur
3. Shri R.K.Agrawal, GMTD, Jaipur.
4. Shri H.E.Bhatnagar, E/c(R&E), O/c GMTD, Jaipur.
5. Shri Devkinandan, Asstt.Director(Staff) O/c CGMT, Jaipur
6. Shri S.K.Jain, SDE(Staff), O/c GMTD, Jaipur.
7. M.P.Jain, SDE(Staff), O/c GMTD, MI Road, Jaipur.

...Respondents.

Petitioner present in person.

Mr.V.S.Gurjar - Counsel for respondents.

CORAM:

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

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

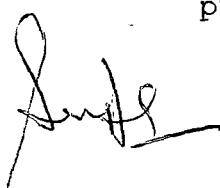
PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

This is an application under Sec.17 of the Administrative Tribunals Act, 1985, arising out of an order passed in O.A No.410/93 dated 6.4.94.

2. This Tribunal vide order dated 6.4.94 in O.A No.410/93 issued directions as below:

"In the circumstances, we direct that a review DPC be convened within 6 months from the date of the receipt of a copy of this order by the respondents and the applicant's case for grant of the benefit of upgradation under the BCR Scheme be considered on merits excluding the record relating to disciplinary proceedings and if the applicant is found suitable for such upgradation, the benefit of upgradation should be given to him from such date as is found to be appropriate in the circumstances of the case with all consequential benefits. This application is allowed accordingly with no order as to costs."

3. It is stated by the petitioner that the opposite parties have wilfully and deliberately disobeyed the orders of this Tribunal. Therefore, the applicant makes a prayer for punishing the opposite parties for the wilful and deliberate



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disobedience of the order passed on 6.4.94 in O.A No.410/93.

4. Reply to the showcause was filed by the opposite parties. It is stated in the reply that the Circle Office issued the promotion order to BCR Grade-IV on 26.6.98 and after following departmental procedural/formalities, all the consequential benefits have been allowed to the petitioner, as per the details given in para 12 of the reply to the contempt petition.

5. Rejoinder has also been filed, which is on record.

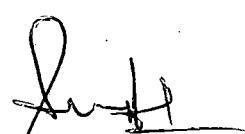
5. Heard the applicant as also the learned counsel for the respondents and perused the whole record.

6. Disobedience of Court/Tribunal's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemners to disobey the order of this Tribunal was intentional and deliberate. If this is not proved, then it can be said that applicant failed to establish the contempt against the alleged contemners. Mere delay in compliance of the directions/order of the Tribunal does not constitute contempt unless it is wilful. In the same way the bona fide other interpretation of the order also does not amount to contempt.

7. In the instant case it has been made very clear that the compliance of the order has been made and all the consequential benefits have been given to the applicant in pursuance of the order passed by this Tribunal. Applicant has submitted that the compliance of the order was delayed by six months but the applicant has failed to establish the fact that the delay was wilful or deliberate on the part of the opposite parties. Mere delay in compliance of the order passed by the Tribunal does not amount to contempt unless it is deliberate or wilful. In the instant case, the applicant has failed to establish the deliberate and wilful disobedience on the part of the opposite parties, therefore we do not find any basis to punish the opposite parties for contempt.

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


(N.P. Nawani)
Member (A).


(S.K. Agarwal)
Member (J).