

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

DATE OF ORDER: 11.5.2004

CP No.05/2003

in

OA No. 03/2001

Laxman Singh Asnani son of Shri Gokuldas Asnani, retired S. So. Office of the SSTM Ajmer resident of 466-A33 Gulab Shah Ka Takia, Topdhara, Ajmer.

....Applicant

VERSUS

1. Shri Prithpal Singh, CMD, Bharat Sanchar Nigam, Sanchar Bhawan, New Delhi
2. Shri Bhagirath Prashad, Chief General Manager, Bharat Sanchar Nigam Ltd., Rajasthan Circle, Jaipur (Rajasthan).
3. Shri Dinesh Kumar Maheshwari, General Manager, Bharat Sanchar Nigam Ltd., Civil Lines, Ajmer.

.... Respondents.

Mr. S.R. Chaurasia, Counsel for the applicant.

Mr. B.N. Sandu, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. A.K. Bhandari, Member (Admn.)

ORDER (ORAL)

The Petitioner has filed this Contempt Petition against the alleged violation of the order dated 28.5.2002 passed in OA No. 93/2001 whereby this Tribunal has held the applicant entitled to pay & allowances w.e.f. 1.7.1992 till the date of his retirement. It was further directed that the respondents shall make payment of such pay & allowances to the applicant within three months from the date of receipt of certified copy of the order. It was also directed that the respondents shall also work out the revised retiral dues and gratuity payable to the applicant and pay the difference

within the same period and for any delay beyond the period of three months, the applicant shall be entitled to interest @ 9% per annum.

2. The grievance of the applicant is that the order of this Tribunal is partly complied with inasmuch as no pay & allowances and interest has been paid to the applicant.

3. Notice of this Contempt Petition was given to the respondents. The respondents have filed the reply.

4. During the course of arguments, the learned counsel for the respondents has brought to our notice the decision of the Allahabad Bench of the Tribunal in Civil Misc. Contempt Petition No. 176/2003 in OA No. 4605/2002 decided on 30.10.2003 whereby it was observed that no notification under Section 14(2) of the Administrative Tribunal's Act, 1985 have been issued in respect of newly constituted Corporation i.e. B.S.N.L.. As such, this Tribunal has got no jurisdiction to entertain the matter. It will be useful to quote the decision of the Allahabad Bench, which is as under:-

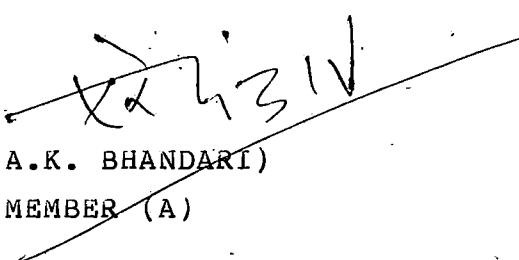
"This Contempt Petition is filed against the officers of Bharat Sanchar Nigam Ltd. a newly constituted Corporation. Since no notification under Section 14(2) has been issued in respect of this newly constituted corporation i.e. BSNL, this Contempt Petition is not maintainable before this Tribunal.

2. The legal position has been well settled in this regard by the judgements of Division Bench of Hon'ble Delhi High Court in Ram Gopal Verma vs. UOI & Others AISLJ 2002(1) 352 and Hon'ble Bombay High Court in BSNL vs. AR Patel & Others etc. 2002(3)ATJ 1.

3. In view of the above, this Contempt Petition is rejected and not maintainable

with liberty to the applicant to approach the appropriate forum."

5. In view of what has been stated above, since this Tribunal has got no jurisdiction to entertain the OA, as such, the Contempt proceedings initiated against the respondents are dropped. Notices issued to the respondents are hereby discharged. The Contempt Petition is accordingly dismissed.

  
(A.K. BHANDARI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

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