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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.
C.P.No.6/2000

Date of order: 3/3/2000

Chhagan Lal Sood, S/c Shri Mangilal Sood, working as
Mailman in the O/o Railway Mail Service, Jaipur Dn.
Jaipur.

...Petitioner.

Vs.

1. Shri B.B.Kapoor, Chief Postmaster General, Rajasthan
Circle, Jaipur.
2. Mrs.G.Madhumita Dass, Sr.Superintendent Railway Mail
Service, JP Dn., Jaipur.
3. Shri M.C.Mahaver, Incharge, Head Record Office,
R.S.Branch, Jaipur.

...Respondents.

Mr.P.N.Jati - Counsel for the petitioner.

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 Administra-
tive Tribunals Act, 1985, arising out of an order passed in
O.A No.321/99 dated 12.8.99.

2. This Tribunal vide order dated 12.8.99 in O.A No.321/99
issued directions as below:

"In the circumstances, we direct the respondents to
assign work to the applicant as a casual labour as and
when the same is available on account of any leave
vacancy of any Group-D employee. The respondents shall
consider grant of benefits to the applicant in terms of
D.O.P letter No.66-9/91-SPB-I dated 30.11.92 at Annx.A8
subject to its applicability to him. The applicant is
free to make a fresh representation to the concerned
authority regarding his grievance."

3. It is stated by the petitioner that the opposite parties
have wilfully and deliberately disobeyed the orders of the
Tribunal passed in O.A No.321/99 dated 12.8.99 by not
complying with the orders of this Tribunal. In view of the
facts stated in this contempt petition the applicant has
prayed to initiate contempt proceedings against the opposite
parties.

5. Heard the learned counsel for the petitioner and perused
the order dated 12.8.99 passed by this Tribunal in O.A

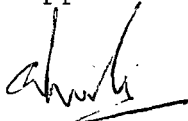
No.321/99 and the averments made by the petitioner in the Contempt Petition.

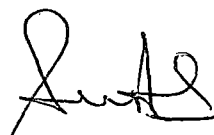
6. Disobedience of Court/Tribunal's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemnors to disobey the order of this Tribunal was intentional and deliberate. If this is not proved, then it can be said that applicant failed to establish the contempt against the alleged contemnors.

7. In the instant case on perusal of the averments made in the Contempt Petition, petitioner failed to establish the fact of wilful or deliberate disobedience on the part of the opposite parties.

8. Therefore, we are of the opinion that prima face there is no basis to initiate contempt proceedings against the opposite parties and looking to the facts and circumstances of this case, we are not inclined to summon the opposite parties to initiate contempt proceedings against them.

9. We, therefore, dismiss this Contempt Petition as we do not find any basis to initiate contempt proceedings against the opposite parties.


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


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