

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

\* \* \*

Date of Decision: 9.2.2001

CP 7/98 (OA 260/95)

Ram Singh, Bungalow Peon under Dy.CME, W/Rly, Ajmer.

... Petitioner

Versus

Shri N.S.Meena, Chief Works Manager, Loco Workshop, W/Rly, Ajmer Division, Ajmer.

... Respondent

CORAM:

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

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Petitioner

... Mr.Shiv Kumar

For the Respondent

... Mr.U.D.Sharma

O R D E R

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

This Contempt Petition has arisen out of an order passed by this Tribunal in OA 260/95 on 5.6.97, in which following directions were given :-

"Having regard to all the facts and circumstances of the case, we set aside the penalty of removal from service imposed on the applicant and direct that instead the penalty of withholding of next two (future) increments without cumulative effect which the applicant would be eligible to draw after the date the applicant joins duty in pursuance of this order shall be imposed on him. For the purpose of implementation of this order, Annexures A-2, A-3 and A-4 are set aside. On being taken back in service in pursuance of this order, the applicant shall not be entitled to any back wages. However, for the purpose of pensionary benefits, the period of absence from duty shall be counted as spent on duty. The respondents shall comply with the directions contained in this order within a period of one month from the date of receipt of a copy of this order. No order as to costs."

2. It is stated by the petitioner that the opposite party has wilfully and deliberately disobeyed the order passed by this Tribunal. Therefore, he should be punished for contempt.

3. Show-cause was issued and reply to the show-cause was filed. An additional affidavit has also been filed by the opposite party stating therein that the order passed by this Tribunal has been complied with. We have seen the additional affidavit and the order passed by the opposite party dated 25.1.2001, by which it appears that the order of this Tribunal has been complied with. In the facts and circumstances of this case, although the compliance was late but no wilful or deliberate disobedience of the order passed by this Tribunal is made out. We, therefore, dismiss this Contempt petition, and notice issued against the opposite party is hereby discharged.

*Wm*  
(N.P.NAWANI)  
MEMBER (A)

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