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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

CP No.7/99 (OA No.42/97)

Date of order: 16.11.1999

Tuffail Ahmed S/o late Shri Khalil Ahmed, working as Class IV employee, Office of Assistant Commissioner of Income Tax, Bharatpur.

.. Petitioner

Versus

1. Shri M.S.Darda, Commissioner, Income Tax Department, Rajasthan, Jaipur.

.. Respondent

None present for the petitioner

Mr. N.K.Jain, 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 is an application under Section 17 of the Administrative Tribunals Act, 1985 arising out of Original Application No.42/97 order passed on 23.10.1997.

2. This Tribunal vide order dated 23.10.1997 passed the following order:

"In the circumstances, this application is disposed of, at the stage of admission, with a direction to respondent No.2 to decide the applicant's representation dated 3.6.91, at Ann.A-3, and dated 19.9.95, at Ann.A8, as per rules within a period of three months from the date of receipt of a copy of this order."

3. It is stated by the petitioner that the opposite party have


wilfully and deliberately disobeyed the order passed by the Tribunal dated 23.10.97, therefore, they should be summoned and punished accordingly.

4. Show-cause was filed by the opposite party. In the show-cause it has been made very clear that the order dated 23.10.97 was fully complied with. It is stated that the Contempt Petition was filed after a period of one year, therefore, it is barred by limitation. It is also stated that no contempt is made out against the opposite party in view of the compliance made by the opposite party. In support of the contentions Ann. R1 and R3 have been filed.

5. Disobedience of the Court'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 contemner to disobey the order of the Tribunal was intentional. If this is not proved, then it can be said that the applicant failed to establish a contempt against the alleged contemner. Merely that the alleged contemner did not comply with the orders of this Tribunal in time is not also sufficient unless it is proved that the delay is intentional or deliberate.

6. In the instant case, it has been made more specific by the opposite party that the order has been complied with. Therefore, in view of the submissions made by the opposite party, no case of contempt against the opposite party can be established.

7. We, therefore, dismiss this Contempt Petition and notice issued against the opposite party is discharged.


(N.P. NAWANI)

Adm. Member


(S.K. AGARWAL)

Judl. Member