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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

~~XXX~~ O.A. No. C.P No. 7/2000 199  
T.A. No.

DATE OF DECISION 3.3.2000

O.P. Sharma \_\_\_\_\_ Petitioner

Mr.P.N. Jati \_\_\_\_\_ Advocate for the Petitioner (s)

Versus

Mr.B.B.Kapoor & Ors. \_\_\_\_\_ Respondent


\_\_\_\_\_  
xx \_\_\_\_\_ Advocate for the Respondent (s)

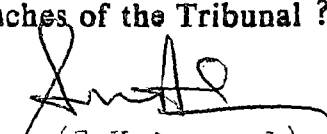
**CORAM :**

**The Hon'ble Mr. S.K.Agarwal, Member (Judl)**

**The Hon'ble Mr. N.P.Nawani, Member (Adm)**

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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

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

(C)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.  
C.P.No.7/2000

Date of order: 3/3/2000

O.P.Sharma, S/o Shri Rampratap Sharma, R/o 257/12,  
Visyadhar Nagar, Sector No.2, working as Mailman in the  
O/o Railway Mail Service, Jaipur.

...Petitioner.

Vs.

1. Shri B.B.Kapoor, Chief Postmaster General, Rajasthan  
Circle, Jaipur.
2. Mrs.G.Madhurita 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.320/99 dated 4.8.99.

2. This Tribunal vide order dated 4.8.99 in O.A No.320/99  
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.A6  
subject to its applicability to him."

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.320/99 dated 4.8.99 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.

4. Heard the learned counsel for the petitioner and perused  
the order dated 4.8.99 passed by this Tribunal in O.A  
No.320/99 and the averments made by the petitioner in the  
Contempt Petition.

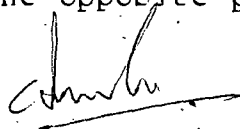
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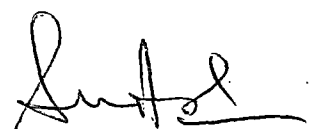
5. Disobedience of Court/Tribunal's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemnors to disobey the order of this Tribunal was intentional and deliberate. If this is not proved, then it can be said that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

6. 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.

7. 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.

8. 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).