

Date of Decision: 01.12.99

CP 11/97 (OA 258/95)

Ravi Prakash Nag s/o Late Shri Hari Narainji Nag, r/o 1-Cha-15, Dadabari, Kota, retired I.A.S.

... Petitioner

Versus

Shri D.S.Meena, Secretary, Department of Personnel, Govt. of Rajasthan, Secretariat, Jaipur.

... Respondent

CORAM:

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

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

For the Petitioner

... Mr.P.P.Mathur, proxy counsel for  
Mr.R.N.Mathur

• For the Respondent

... Mr.U.D.Sharma and Mr.B.N.Purohit

O R D E R

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

This is a Contempt Petition filed under Section 17 of the Administrative Tribunals Act, 1985, arising out of an order passed on 27.6.95 in OA 258/95. Order dated 27.6.95, passed in OA 258/95, reproduced as below :-

"Heard the learned counsel for the applicant at length. Apprehending issuance of charge-sheet in a matter pertaining to the duration 1970-73 and in view of the exceptional circumstances disclosed in the petition when the applicant is said to retire on 30.6.95, issue short notices to the respondents, returnable on 29.6.95. Applicant to serve DASTI notice to respondent No.2.

List the case for hearing on admission and on interim relief, on 29.6.95.

Meanwhile, if no charge-sheet has been issued to the applicant, it be not issued till 29.6.95."

2. A show-cause notice was issued to the opposite party and a reply was filed. In the reply it has been categorically stated that there has not been any violation or disobedience of the order of this Tribunal passed on 27.6.95 and no case of contempt is made out. A rejoinder has also been filed, which is on record.

3. Heard the learned counsel for the parties. The learned counsel for the

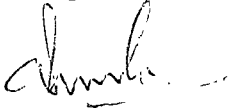
10

parties have admitted that the OA 258/95 has been disposed of by withdrawing the same by the applicant. Reply filed by the opposite party also makes it clear that disobedience of this Tribunal's order dated 27.6.95 has not been established.

4. Disobedience of the Tribunal's order becomes contempt only when it is deliberate and unlawful. Unless it is established that the opposite party has deliberately and wilfully disobeyed this Tribunal's order, the case of contempt is not made out. Merely that order was complied with late or some other interpretation of the order was taken at the time of compliance does not constitute the contempt.

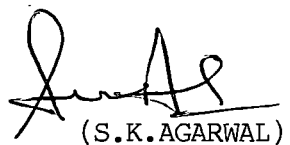
5. As the OA has already been withdrawn and according to the opposite party no case of contempt is made out, therefore, we are of the considered view that no case of contempt is made out against the opposite party.

6. We, therefore, dismiss this Contempt Petition and the notice issued to the alleged contemner is discharged.



(N.P. NA - WANI)

MEMBER(A)



(S.K. AGARWAL)

MEMBER (J)