

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
J A I P U R .

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CP No.12/96
(OA 494/95)

Date of order: 4.7.1996

Birdhi Chand and others : Petitioners

Vs.

Shri A.P.Sen and others : Respondents

None for the petitioners
Mr.V.S.Gurjar, counsel for the respondents

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE))

In this contempt petition, the petitioner Shri Birdhi Chand and 15 others have stated that the respondents have not complied with the directions of the Tribunal given in the order dated 30.10.95 passed in OA No.494/95, Birdhi Chand and others vs. Union of India and others and therefore they should be punished for contempt of the Tribunal.

In the order dated 30.10.1995 in OA No.494/95, the Tribunal while disposing of the OA at the stage of admission had directed the respondents to take a decision on the representation of the petitioners at Annexure A-6 dated 3.7.1995 to the OA, within a period of three months from the date of receipt of a copy of the Tribunal's order. In the contempt petition it has been stated that the copy of the Tribunal's order was forwarded to the respondents on 15.11.1995 as per forwarding letter Annexure A-2. However the respondents did not take necessary action in pursuance of the directions of the

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Tribunal and the petitioners again approached the respondents on 10.2.1996 with a request to decide the representation of the petitioners as per the directions of the Tribunal. It is the averment of the petitioners that the respondents flatly refused to take necessary action as requested by the petitioners. It has further been stated in the contempt petition that after the expiry of the time specified by the Tribunal, the petitioners sent a notice through their counsel on 16.2.1996 to enable the respondents to "purge the contempt proceedings". Still however no action has been taken by the respondents.

2. Reply to the contempt petition has been filed wherein it has been stated that the order of the Tribunal was received by the respondent No.3 on 16.11.1995 and the representation of the petitioners was decided on 19.1.1996 as per Annexure R-1 enclosed with the preliminary objections raised on behalf of the respondents. The said communication disposing of the representation was served on the petitioners through their Divisional Heads on 19.2.1996. Therefore, according to the respondents no contempt of the Tribunal has been committed by them.

3. None present on behalf of the petitioners. We have heard the learned counsel for the respondents.

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4. The contempt petition was filed on 27.2.96 i.e. after the date on which ^{the} communication disposing of the representation of the petitioners had been stated to have been served on them. In the circumstances, it is not quite clear how the petitioners still filed the contempt petition on 27.2.1996. However, since action on the direction of the Tribunal had been taken by the respondents well within the period prescribed in the order passed by the Tribunal, no case of the contempt of the Tribunal has been made out. The contempt petition is, therefore, dismissed and the notices issued are discharged.



(Ratan Prakash)
Member (J)



(G.P. Sharma)
Member (A)