IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.P.No.12/99   Date of order: 16/5/2000

K.R.Guglani, 1/255, SFS, Agarwal Farm, Jaipur.

...Petitioner.

Vs.

1.   P.G.Mankad, Finance Secretary & Revenue Secretary, Govt. of India, Central Secretariat, North Block, New Delhi.

2.   Kanwarjit Singh, Chief Commissioner of Income Tax, New C.R.Building, Statue Circle, Jaipur.

3.   V.K.Agarwal, Commissioner of Income Tax, New Fatehpura, Udaipur.

...Respondents.

Petitioner present in person.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

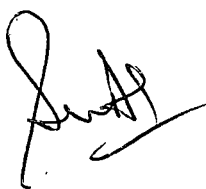Hon'ble Mr.N.P.Nawani, Administrative Member.

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

This is an application under Sec.17 of the Administrative Tribunals Act, 1985, arising out of an order passed in O.A No.523/97 dated 4.2.2000. In the said O.A prayer has been made to quash and set aside the order of dismissal dated 7.8.92 and the order passed by the appellate authority dated 1.8.97 with all consequential benefits. This Tribunal vide its order dated 4.2.2000 quashed the order of dismissal dated 7.8.92 and also the order of the appellate authority dated 1.8.97 and directed the respondents to reconsider the application of the applicant for changing the Enquiry Officer in accordance with OM dated 9.11.72 and our observations in para No.7 of this order; the respondents are further directed to conduct denovo enquiry against the applicant after the stage of issuance of charge sheet. The respondents shall complete the enquiry proceedings as early as possible and the applicant is expected to cooperate the same so that the enquiry proceedings may not be delayed.

2.   It is stated by the applicant that the opposite parties have wilfully and deliberately flouted the orders of the Tribunal by not releasing the dues. It is stated that the petitioner wrote so many times to the respondents but the applicant was not paid the salary, etc. Therefore, the applicant filed this contempt petition for initiation of contempt proceedings against the opposite parties.

3.   Heard the applicant in person.

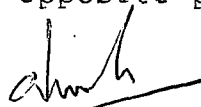4.   Admittedly, no specific direction was given in the order

dated 4.2.2000 to direct the respondents for payment of salary, etc. to the petitioner.

5.   For initiation of contempt proceedings against the opposite parties, it has to be shown that there has been wilful disobedience of the judgment, or order of the court. Power to punish for contempt is to be resorted to when there is clear violation of court's order. These powers should be invoked only when a clear case of wilful disobedience of the court's order has been made out. Whether disobedience is wilful or not is depend on facts and circumstances of each case. The judicial orders are to be properly understood and complied with. No person should be allowed to defy the Court's order. Wilful would exclude casual, accidental, bonafide or unintentional acts or genuine inability to comply with the terms of the order. The petitioner who complains breach of court's order must allege deliberate or contumacious disobedience of the court's order.
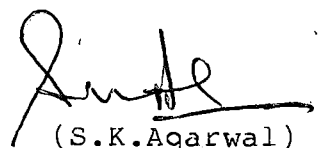
6.   In the instant case, nothing could be established that there was a specific direction of this Tribunal for payment of dues/salary for the period as claimed by the petitioner. The petitioner also failed to show that there was any wilful or deliberate disobedience on the part of the opposite parties.

7.   We have perused the legal citations referred by the applicant at the time of argument which do not support the case of the applicant for initiation of contempt proceedings against the opposite party and have also perused the averments made in the contempt petition and we are of the considered view that it is not a fit case to issue notice for initiation of contempt proceedings against the opposite parties.

7.   We are, therefore of the considered opinion that no case of contempt is made out against the opposite parties so as to initiate contempt proceedings against them. Therefore, this contempt petition is dismissed without issuing any notice to the opposite parties.

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

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