

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH: JAIPUR

REVIEW APPLICATION NO.13 OF 1996

(Arising out of C.P.No.68/95)

IN OA 199//92)

DATE OF ORDER
26.4.1996

Assandan T.Gulwani Applicant

Versus

M.Ravindra & another Respondents

O R D E R

Hon.'ble N.K.Verma, Member(A)

This is a Review Application filed by the applicant in the TA-199 of 1992 against the order passed by us on 23.1.1996 whereby the Contempt Petition was dismissed as not maintainable. The applicant in this Contempt Petition has brought to our notice that the CP was filed on 14.3.1995 and not on 4.4.1995 as mentioned in the ordersheet, i.e. after one year of the order dated 23.12.1995 was passed. In this connection the petitioner has also pointed out that certified copy of the judgment was despatched by the Registry of the Tribunal on 10.12.1993 and the transmission time for the same through postal channels would have taken atleast 7 days. Taking

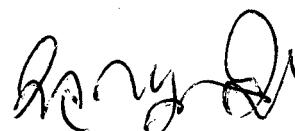
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this into consideration the limitation period of one year for filing a contempt would commence from 17th March, 1995 after allowing three months time for compliance by the respondents as per the Tribunal's direction. If this time frame is found to be acceptable, then the contempt petition filed is well before the limitation period started. In support of his contentions, the applicant has cited a judgment of a Division Bench of this very Bench in which it was stated that the limitation of one year shall be reckoned not from the date of Tribunal's order but after the expiry of period prescribed for complying with the order.

2. We have looked into this matter once again. As has been pointed out by the applicant, the contempt application was filed before this Tribunal ~~only~~ on 14.3.1995. As would be evident from the scrutiny-sheet, the application was presented before the Registry on 14.3.1995 and not on 4.4.1995 as recorded by us in the order on 23.1.1996. However, even this error if rectified, does not come to the assistance of the applicant in the CCPA. The order of the Tribunal is dated 23.11.1993 and even if it was despatched on 10th December, 1993, the order should have been with the respondents within 2/3 days i.e. latest by 13th of December, 1993. The period of three months for compliance of the order would be reckoned with the date the order was in the hands of the respondents. It cannot be stated that a letter from Jaipur to Ajmer within a distance of 175 kms. would take one week to reach even if it were to be carried on foot. The applicant has not brought to our notice the reasons as to why a Registered letter sent from Jaipur to Ajmer should take 7 days time. The applicant is only taking a plea that

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the transmission of the Tribunal's order might have taken atleast seven days to reach respondents after it was despatched. This plea is wholly untenable and unacceptable. We therefore, reject this. The contentions of the respondents that the contempt petition is hit by limitation is found acceptable to us. We do not find that the error apparent on the face of the record which stands rectified now, entitles the applicant for maintainability of the contempt petition. We hold that the contempt petition was time barred on 14.3.1995 when it was presented before the Bench of the Tribunal at Jaipur.



(RATTAN PRAKASH)
MEMBER (J)



(N.K.VERMA)
(MEMBER (A))