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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 17.11.1999

CP No.13/99 (OA No.129/99)

Man Mohan Arora S/o Shri R.K.Arora, Head Clerk, S.E.F.(P),
Western Railway, Agra Fort.

.. Petitioner

Versus

1. Shri L.R.Thapar, DRM (E), Western Railway, Kota.
2. Shri D.K.Sharma, Sr. Section Engineer, Western Railway,
Kota.

.. Respondents

Mr. S.K.Jain, counsel for the petitioner

Mr. T.P.Sharma, counsel for the respondents

CORAM:

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

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

ORDER

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

In this Petition under Section 17 of the Administrative Tribunals Act, petitioner makes a prayer to call the opposite parties personally and punish them for contempt.

2. This Contempt Petition has arisen out of order dated 22.3.99 passed in OA No. 129/99.

3. Vide order dated 22.3.99, this Tribunal passed the order as below:

"Meanwhile the operation of the impugned order as at Annx.A1 dated 16.11.1998 will remain inoperative in view of the statement made by the learned counsel for the applicant at Bar that the applicant is presently working at Agra."

4. It is stated by the applicant that opposite parties have wilfully and deliberately disobeyed the order of this Tribunal, therefore, they should be called and summoned personally and

punished accordingly.

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5. Show-cause notice was filed by the opposite parties. In the show-cause filed by the opposite parties, it has been stated that the order dated 22.3.99 was fully complied with by issuing the order dated 19.5.99 allowing the applicant to work at Agra Fort in the capacity of Head Clerk.

6. We have heard the learned counsel for the parties and also persued the averments made in the petition as well as in the reply.

7. Disobedience of this Tribunal's order amounts to contempt only when it is deliberate and wilful. No evidence ^{is} on record to establish the fact that there was a deliberate or wilful disobedience of this Tribunal's order. Merely that the order was complied with slightly bit late is no ground to hold that disobedience was deliberate or wilful.

8. In the instant case, the opposite parties have made very specific that the order of this Tribunal was complied with by passing the order dated 19.5.99. Therefore, no case of contempt is made out against the opposite parties.

9. The learned counsel for the applicant also submits that the applicant has not been paid salary w.e.f. December, 1998 to May, 1999. The applicant may file a representation for the same to the competent authority who will dispose of his representation as expeditiously as possible.

10. With these observations, this Contempt Petition is dismissed as having no merits. Notices issued are discharged.

(N.P.Nawani)

Adm. Member



(S.K.Agarwal)

Judl. Member