

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 23rd day of February, 2011

CONTEMPT PETITION NO. 02/2011
IN
ORIGINAL APPLICATION NO. 561/2009

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

1. Kalu Singh son of Shri Madan Singh, aged about 38 years, resident of Near Sita Ram Temple, Purana Phulera, District Jaipur (Rajasthan).
2. Kailash Chand son of Shri Chhitar Mal Joshi, aged about 42 years, resident of Near Pani Ki Tanki, Hardev Joshi Colony, Phulera, District Jaipur (Rajasthan).

.....Applicant

(By Advocate: Ms. Shweta Pareek)

VERSUS

1. Shri Vinay Mittal, General Manager, Union of India, North Western Railway, G.M. Office, Jaipur.
2. Shri G.C. Buddlakoti, Divisional Railway Manager, North Western Railway, Power House Road, Jaipur.
3. Shri Prasun Khare, Divisional Signal & Telecommunication Engineer, North Western Railway, Power House Road, Jaipur.
4. Shri Avdesh Kumar Singh, Senior Section Engineer, North Western Railway, Phulera, District Jaipur.
5. Shri Avdesh Kumar Singh (Acting), Junior Engineer Head Quarter, North Western Railway, Phulera, District Jaipur.

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

The applicants have filed this Contempt Petition for the alleged violation of the order dated 17.12.2009 passed by this Tribunal in OA No. 561/2009 whereby this Tribunal had directed respondent no. 4 to allow the applicants to join their duties and thereafter he may proceed in accordance with rules. It may be stated that directions given by

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this Tribunal was limited to the effect that the applicant may be permitted to join their duties as it was the case of the applicants before the Tribunal that they were not taken on duty at Sikar when they reported for duty and now they should be permitted to report for duty at Phulera. It was under these circumstances, the Tribunal directed that the applicants may be permitted to join at Phulera and after that the appropriate authority is competent to depute the applicants to any other place. Be that as it may, we are in contempt proceedings. Section 20 of the Contempt of Court Act, 1971 stipulate that no court shall initiate any proceeding of contempt, either on its own motion or otherwise after the expiry of period of one year from the date on which contempt is alleged to have been committed. Admittedly in this case, contempt is alleged to have been committed on 19.12.2009 when the applicants present themselves before respondent no. 4 but they were not permitted to perform the duties. In this case, Contempt Petition has been filed by the applicant on 18.01.2011 after a lapse of one year. Thus the present Contempt Petition is time barred and as such, cannot be entertained.

2. For the foregoing reasons, the Contempt Petition is dismissed.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

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