

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.
C.P.No.14/99

Date of order: 13/11/99

Rajendra Prasad Verma, S/o Shri Kanhaiya Lal Verma,
working as Computer in the Office of Directorate, Census
Operation, Rajasthan, Jaipur, R/o Ralpurā Colony,
Vanasthali Marg, Jaipur.

...Petitioner.

Vs.

1. Dr.M.Vijay Unni, Registrar General of India, 2-A, Man Singh Road, New Delhi.
2. Shri Jayanti Lal Modi, Director, Census Operation Rajasthan, 6-B, Jhalana Doongari, Jaipur.
3. Shri H.S.Meena, Deputy Director, Head Quarter, Census Operation Rajasthan, Jaipur.

...Respondents.

Mr.P.V.Calla - Counsel for the petitioner.

Mr.M.Rafiq - Counsel for respondents.

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.436/98 dated 1.1.99.

2. This Tribunal vide order dated 1.1.99 in O.A No.436/98 issued directions as below:

"In the meantime the operation of the order at Annx.A1 dated 26.10.98 qua the applicant is stayed, if the same has not been implemented."

3. It is stated by the petitioner that the copy of the interim order dated 1.1.99 was served upon the opposite parties on 8.1.99. In spite of this the opposite parties fixed the pay of the applicant on the post of Assistant Compiler which clearly shows that the opposite parties are having scant regard to the orders of the Tribunal. Therefore, the applicant makes a prayer for punishing the opposite parties for wilful and deliberate disobedience of the interim order passed on 1.1.99 in O.A No.436/98.

4. Reply to the showcause was filed by the opposite parties. It is stated in the reply that the order dated 26.10.98 was implemented prior to passing of the interim order dated 1.1.99. It is also stated that in Office Memorandum dated

(6)


18.1.98 issued to the applicant, designation of the applicant as 'Sanganak' was a clerical error which escaped notice of the opposite parties due to over-sight and an affidavit of Shri K.S.Bhatnagar was filed in support of this contention. It is also stated clearly in the reply that the order dated 26.10.98 was implemented much earlier prior to the passing of the interim order dated 1.1.99. Therefore, no case of contempt is made out against the opposite parties. It is also stated that the order of reversion of the applicant was done in compliance with the judgment of the Hon'ble Supreme Court.

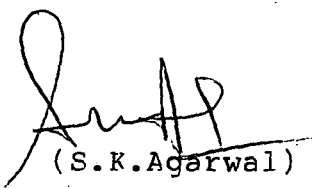
5. Heard the learned counsel for the parties and perused the whole record.

6. Disobedience of Court/Tribunal's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemnors to disobey the order of this Tribunal was intentional and deliberate. If this is not proved, then it can be said that applicant failed to establish the contempt against the alleged contemnors. Mere delay in compliance of the directions/order of the Tribunal does not constitute contempt unless it is wilful. In the same way the bonafide other interpretation of the order also does not amount to contempt.

7. In the instant case in view of the detailed submissions made by the opposite parties in their reply and additional affidavit, the petitioner failed to establish any case of contempt against the opposite parties and no inference of wilful/deliberate disobedience can be drawn against the opposite parties.

8. We, therefore, dismiss this Contempt Petition and notices issued against the opposite parties are hereby discharged.


(N.P. Nawari)
Member (A).


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