

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

Date of order: 19-3-1996

CP No. 15/96 in
OA No. 483/89

Harnek Singh .. Petitioner

Versus

T.Srinivasan and another .. Respondents

Mr. J.P.Sharma, Counsel for the petitioner

CORAM:

HON'BLE MR.O.P.SHARMA, ADMINISTRATIVE MEMBER

HON'BLE RATTAN PRAKASH, JUDICIAL MEMBER

ORDER

PER HON'BLE O.P.SHARMA, ADMINISTRATIVE MEMBER

Shri Harnek Singh has filed this Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985, wherein he has prayed that since the respondents have failed to comply with the directions of the Tribunal contained in order dated 17-1-94 (Annexure-A1) passed in OA No. 483/89, Harnek Singh Vs Union of India and another, they should be punished as per the provisions of section 12 of the Contempt of Courts Act for their wilful disobedience of the Tribunals order.

2. We have heard the learned counsel for the petitioner and have gone through the material on record.

3. In the order (Annexure-A1) dated 17-1-94 the Tribunal had given a direction to respondents Nos. 1 and 2, in the OA, to take up the case of the applicant with the U.P.S.C. for reconsideration of his seniority in the I.P.S. on the basis of the select list of the R.P.S. whereby he was given seniority in the selection grade of R.P.S. from the

year 1977. The Tribunal had further directed that such a reference shall be made within a period of 2 months from the date of communication of the Tribunal's order. According to the learned counsel for the petitioner the Tribunal's order was communicated to the petitioner on 21-1-94, which is the date on which copies thereof were issued. This Contempt Petition has been filed on 16-2-96. The question arises whether this petition is barred by limitations in view of the provisions of Section 20 of the Contempt of Courts Act, 1971. The learned counsel for the petitioner stated that non-fixation of seniority was a continuous cause of action as the consequential benefits which were to be paid to him as a result of refixation of his seniority were denied to him which would have accrued to him otherwise. He cited before us a judgement of the Hon'ble Supreme Court in Firm Ganpat Ram RajKumar Vs Kalu Ram and others, AIR 1989, SC 2285, wherein according to him the Hon'ble Supreme Court held that since the failure to give possession of the premises by force of the order of Senior Sub Judge, if it amounted to a contempt in a situation of the nature discussed in the Hon'ble Supreme Court, was a continuing wrong and, therefore, there was no scope for application of Section 20 of the Contempt of Courts Act. On the same analogy, the learned counsel for the petitioner argued that in the present case also since the cause of action was continuous there is no question of applicability of Section 20 of the Contempt of Courts Act.

4. We have considered the matter carefully. The facts of the judgement relied upon by the learned

counsel for the petitioner are entirely different from those in the present case. In the present case the petitioner has already retired from service as on the date of filing of the petition and the question here was of fixation of seniority. We are of the view that there is no continuing cause of action involved in this case at present. While a copy of the Tribunal's order in the OA was given to the petitioner on 21-1-94 and at most the limitation period of one year could be said to commence from the date of expiry of a period of two months from the date of receipt of a copy of the Tribunal's order by the petitioner, the Contempt Petition has been filed on 16-2-96 i.e. nearly after a period of 2 years. This Contempt Petition is, therefore, clearly time barred and is, therefore, dismissed, accordingly.


(Rattan Prakash)

Judicial Member


(O.P. Sharma)

Administrative Member