

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

CP No.16/99 (OA No.136/99)

Date of order: 14.09.1999

V.P.Chaudhary S/o Shri Dev Chaudhary aged about 40 years r/o House No. 37A/2F/12, New Madhu Nagar Banda Katra, Agra, at present employed on the post of Train Ticket Examiner, Agra Fort, Western Railway, Kota Division.

.. Petitioner

Versus

1. L.R.Thapar, Divisional Railway Manager (Est.), Western Railway, Kota Division, Kota.
2. Satish Kumar Kulshrestha, Station Manager, Agra Fort, Western Railway, Kota Division.
3. B.L.Meena, Senior Commercial Manager, Western Railway, Kota Division, Kota.

.. Respondents

Mr. Shiv Kumar, 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

This is an application under Section 17 of the Administrative Tribunals Act, 1985, arising out of an order passed on 25.3.1999 in OA No.137/99. The Tribunal vide its order dated 25.3.1999 issued directions as below:


"In view of it, a short notice dasti be issued to respondents Nos. 2,3 and 4 and by Speed Post to respondent No.1 returnable within 14 days i.e. by 8.4.1999. Meanwhile it is directed that status quo as on today i.e. 25.3.99 be maintained till the date fixed in respect of the applicant. A copy of this order be supplied to the parties."

2. It is stated by the petitioner that the order of this Tribunal dated 25.3.1999 was not complied with by the alleged contemners with a view to harrass the petitioner, therefore, it has been prayed to punish the opposite parties for contempt.

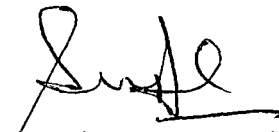
3. Counter to the show-cause notice was filed by the alleged contemnners. It is stated by the alleged contemnners that the order of this Tribunal dated 25.3.1999 has been fully complied with by passing an order No.549/7/2/1 Vol.V dated 5.5.99 issued by the Senior DCM and by this order the appellant has been allowed to work on the post under CTI/AF till further orders.

4. Heard the learned lawyers for the parties.

5. Disobedience of the Court's orders constitute contempt only when it is wilful or deliberate. It is the duty of the petitioner to prove that the action of the alleged contemnners to disobey the orders was intentional and if it is not proved then this action cannot be said to be wilful disobedience. The petitioner failed to establish the case of contempt against the alleged contemnners. Merely, alleging contempt is not sufficient unless it is proved that the delay was intentional or deliberate. In the instant case, there appears to be no wilful or deliberate disobedience of the Tribunals order/ direction. Therefore, we dismiss this Contempt Petition and notices issued against the alleged contemnners are discharged.


(N.P.NAWANI)

Administrative Member


(S.K.AGARWAL)

Judicial Member