

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.
C.P.No.147/95

Date of order: 17/2/2000

Manchar Singh, S/o Ganesha Singh, R/o Dandlod House,
Hawa Serak, Jaipur

...Petitioner.

Vs.

1. Shri Ajay Shekhar, Secretary, Mini. of Textiles & Commerce, Govt. of India, West Block No.7, R.K. Puram, New Delhi.
2. Shri K.S.Mehra, Development Commissioner(Handicrafts), Mini.of Textiles & Commerce, Govt. of India, West Block No.7, R.K.Puram, New Delhi.

...Respondents.

Mr.C.B.Sharma) - Counsel for the petitioner.

Mr.Rajendra Soni)

Mr.M.Rafiq - Counsel for respondents.

CORAM:

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

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

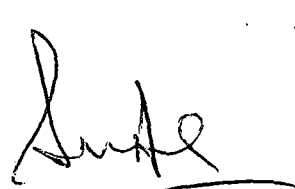
PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

This is an application under Sec.17 of the Administrative Tribunals Act, 1985, arising out of an order passed in O.A No.30/93 dated 20.10.94.

2. This Tribunal vide order dated 20.10.94 in O.A No.30/93 issued directions as below:

"In the result, the petition is accepted. The respondents are directed to consider the seniority of the applicant as per Annexure:A-1 for promotion and to give him all consequential benefits and to consider him for promotion according to the revised seniority list as fixed vide order dated 23.6.92. In case any junior has been promoted petitioner shall also be considered for promotion. The matter may be considered within a period of four months from the date of the receipt of the copy of this order.

The C.A stands disposed of accordingly with no order as to costs.."

 3. It is stated by the petitioner that the opposite parties have not complied with the order of the Tribunal dated 20.10.94 in spite of the notice dated 17.7.95 given to the opposite. Therefore, the applicant makes a prayer for punishing the opposite parties for wilful and deliberate

disobedience of the order passed on 20.10.94 in O.A No.30/93.

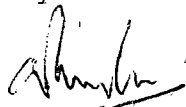
4. Reply to the showcause was filed by the opposite parties. It is stated in the reply that the orders dated 20.10.94 have been fully complied with and the applicant has been given promotion w.e.f. 7.6.88 from the date persons junior to the applicant were promoted. It is also stated that there is no wilful or deliberate disobedience on the part of the opposite parties, therefore, this contempt petition having no merits is liable to be dismissed.

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.

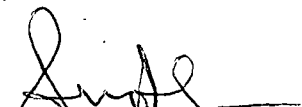
7. In the instant case in view of the detailed submissions made by the opposite parties in their reply that the order dated 20.10.94 has been fully complied with and no deliberate or wilful disobedience could be established on the part of the opposite parties, therefore, we are of the considered opinion that no case of contempt could be proved/established against the opposite parties and this contempt petition fails having no merits.

8. We, therefore, dismiss this Contempt Petition having no merits and notices issued against the opposite parties are hereby discharged.



(N.P.Nawani)

Member (A).



(S.K.Agarwal)

Member (J).