

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH  
J A I P U R .

MP 105/95  
(CP 131/94)  
(OA 663/93)

: Date of order: 16.11.95

Dilip Kumar Lakhani & another : Applicants

Versus

Bhaskar Ghosh, Secretary, Ministry  
of Information and Broadcasting,  
Govt. of India, Central Secretariat,  
Delhi and others.

: Respondents

Mr. Rajendra Soni, counsel for the petitioners  
Mr. S.S.Hasan, counsel for the respondents

CORAM:

HON'BLE SHRI GOPAL KRISHNA, VICE CHAIRMAN  
HON'BLE SHRI C.P.SHARMA, MEMBER (ADMINISTRATIVE)

O R D E R .

( PER HON'BLE SHRI GOPAL KRISHNA, VICE CHAIRMAN )

This is a petition for recalling the order passed  
in Contempt Petition 131/94 on 25.1.1995 dismissing  
the same and discharging the notices issued.

2. We have heard the counsel for the petitioners  
and the counsel for the respondents.

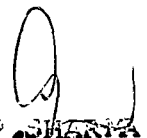
3. The counsel for the petitioners has stated that  
the contempt petition was fixed on 25.1.1995 and the  
time for hearing the same in the Cause-list was  
fixed at 4 PM but some-how the case was taken up  
at 10.30 AM and the contempt petition was dismissed  
on that day at 10.30 AM. It is stated in this petition  
that by mistake on account of hesitation, the  
petitioners could not inform the Hon'ble Tribunal

*Cmsh* and the fact of constituting a Division Bench of

the Tribunal at 4 PM might not have been brought to the notice of the Hon'ble Tribunal and as such in the absence of the petitioners and their counsel grave injustice has been done to them by deciding the contempt petition. The petitioners further stated that on the same ground of fixing of the case at 4 PM and instead taking the same at 10.30 AM on <sup>the</sup> same date, the Hon'ble Tribunal in UOI Vs. R.P. Bhatnagar reviewed/recalled the order dismissing the petition.

4. The order passed on 25.1.1995 in the case of Union of India and others Vs. R.P. Bhatnagar was on a review petition. The ratio cannot be applied to a contempt petition for the reason that once the act which prima facie shows that contempt has been committed, is brought to the notice of the court, it is the court who has to decide whether the contempt has been committed or not. The matter is primarily between the court and the contemner. We have dismissed the contempt petition on merits and therefore we are not inclined in the circumstances of the case to recall the order already passed in the contempt petition.

5. This petition is therefore dismissed.

  
( O.P. SHARMA )  
MEMBER (A)

  
( GOPAL KRISHNA )  
VICE CHAIRMAN