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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 23.5.2000

CP 119/95 (OA 1028/92)

Deepchand, retired Driller, T.No.32862, Loco Shop No.9, R/o 352/26, Gautam Nagar, Ajmer.

... Petitioner

Versus

1. Sh.M.Ravindra, General Manager, W.Rly., Churchgate, Mumbai.
2. Sh.M.A.Bohra, Sr.Personnel Officer (Workshop), W.Rly., Ajmer.
3. Sh.P.R.Rathi, Dy.CAO (Workshop & Stores), W.Rly., Ajmer.

... Respondents

CORAM:

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

HON'BLE MR.V.SRIKANTAN, ADMINISTRATIVE MEMBER

For the Petitioner

... Mr.P.D.Khanna

For the Respondents

... None

O R D E R

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

This Contempt Petition has arisen out of an order passed in OA 1028/92 (596/87) on 24.5.94. In order dated 24.5.94, passed in OA 1028/92 (596/87) this Tribunal issued the following directions :-

"The respondents are directed to grant provisional (Full) pension to the applicant till the date of passing of such order from the date of such payment was stopped. No other relief is admissible to the applicant."

It is stated by the petitioner that the opposite parties have wilfully and deliberately disobeyed the orders passed by this Tribunal and committed contempt in this way. Therefore, he prays for initiation of contempt proceedings against the opposite parties.

2. Show-cause was filed. In the reply it has been stated that compliance of the order dated 24.5.94 has been made and on 6.9.96 and 11.4.2000 separate compliance reports have been filed by the opposite parties, which are on record, in which the opposite parties have categorically stated that order dated 24.5.94 has been fully complied with.


3. Disobedience of the order of the Tribunal amounts to contempt only when it is deliberate and wilful. Merely that order was complied with late or there was a different interpretation of the order by the parties does

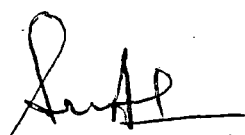
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not constitute contempt on the part of the opposite party. It is necessary for the petitioner to establish that there was a deliberate or wilful disobedience on the part of the opposite party. Mere disobedience is not enough. In the instant case, the petitioner failed to establish deliberate and wilful disobedience on the part of the opposite parties.

4. The learned counsel for the petitioner submits that the order passed by this Tribunal has not been fully complied with. If the petitioner has any grievance because of different interpretation of the order passed by this Tribunal, he may redress his grievance before the competent departmental authority and the departmental authority may pass suitable order for redressal of the grievance of the petitioner.

5. In view of the above, we are of the considered opinion that no case of contempt is made out against the opposite parties. Therefore, this Contempt Petition fails and notices issued against the alleged contemnors are discharged.

  
(V.SRIKANTAN)  
MEMBER (A)

  
(S.K.AGARWAL)  
MEMBER (J)