IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of order : 11.7.1995

CP No. 12/1995
in
OA No. 99/1993

Sardar Jain

... Petitioner.

versus

Shri V.S. Sisodia & Others

.... Respondents.

Mr. Mahendra Shah, Counsel for the applicant.
Mr. U.D. Sharma, Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.
Hon'ble Mr. N.K. Verma, Adm. Member.

.....

ORDER

((PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN))

Petitioner has filed this contempt petition alleging therein that the respondents have committed contempt of Court by not implementing the order of this Tribunal dated 18.2.1993 and by engaging fresh hands in service ignoring the petitioner's right to preferential treatment for the purpose of employment. The respondents, it is alleged by the petitioner, have ignored the

provisions contained in Section 25-H of the Industrial Disputes Act, 1947. The order of which wilful disobedience is claimed was passed in OA No. 99/93 on 18.2.1993 and it reads as follows :-

> "Admit. Issue notices to respondents returnable on 4.3.1993. In the meanwhile if any fresh engagement of casual labour is to be made by the respondents the claims of the applicants under Section 25-H of the I.D. Act shall be kept in view."

2. We have heard learned counsel for the parties and have gone through the records of the case carefully.

3. It is noteworthy that a contempt petition was admittedly filed by the petitioner and registered as CP No. 65/93 in respect of the order dated 18.2.1993 passed by this Bench in the aforesaid OA No. 99/93 and it was dismissed by the Tribunal on merits on 18.9.1993 as it did not disclose any contempt. Subsequently, the petitioner alongwith others had filed another contempt petition which was registered as CP No. 79/93 arising out of the OA aforesaid and the said contempt petition was not entertained by the Tribunal on the ground that it was not signed by all the persons alleging contempt vide Annexure A/3 dated 29.6.1994. The petitioner has pleaded that despite directions of the Tribunal issued on 18.2.1993 and despite service of that order, the respondents made appointments of fresh hands with effect from 21.5.1993.

Section 20 of the Contempt of Courts Act, 1971 provides that no Court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed. It transpires from the record that the alleged contempt was committed sometime during the year 1993 itself when fresh hands were given appointments ignoring the claim of the petitioners. This contempt petition has been presented on 6.12.1994. The limitation for initiating contempt proceedings is one year from the date of the alleged commission of contempt. The first contempt petition in respect of the same order was dismissed by this Tribunal on 18.2.1993 on merits as it failed to disclose any contempt at all. The second contempt petition in regard to the same order was dismissed as being defective since it did not bear the signatures of the petitioner and others. The petitioner has failed to disclose the details of fresh hands which are alleged to have been engaged by the respondents ignoring the petitioner's claim. The averments made in the body of the contempt petition are vague and incomprehensible. We find that the earlier contempt petitions having been dismissed by this Tribunal, the present contempt petition on the same subject in respect of the same order is not maintainable and it is also hit by the bar of limitation.

4. In view of the above discussion, this contempt petition fails and is hereby dismissed.

5. No order as to costs.

(N.K. VERMA)
MEMBER (A)

(GOPAL KRISHNA)
VICE CHAIRMAN

cvr.