

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH, JAIFUR.

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...Date of Order : 8.8.95.

CP 123/95 (TA 373/92)

Rajendra Kumar s/o Shri Nandlal, r/o Ramganj, Ajmer.

...PETITIONER.

VERSUS

1. Shri M. Ravindra, General Manager, Western Railway, Churchgate, Bombay.
2. Shri Praveen Kumar, Chief Works Manager, Loco Head Office, Western Railway, Ajmer.
3. Shri Anil Handa, Dy.CME (C&W), Ajmer.
4. Shri M.A. Pohra, Sr. Personnel Officer (W), Loco Head Office, Western Railway, Ajmer.

...RESPONDENTS.

CORAM

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, MEMBER (A)

For the petitioner ... Mr. S.P. Chourasia

For the Respondents

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

This is a Contempt petition u/s 17 of the Administrative Tribunals Act, 1985, stating therein that pursuant to the decision in TA 373/92 dated 18.1.94, by a Division Bench of this Tribunal, the respondents merely reinstated the petitioner in service but no order was passed by them in regard to the payment of back wages from the date of removal to that of reinstatement. Since no order for payment of back wages was passed by the respondents, it is contended on behalf of the petitioner that the respondents have rendered themselves liable for contempt. The decision in question was made on 18.1.94 and there was a direction to the respondents to pass necessary orders within a period of one month from the date of receipt thereof. If no order beyond a period of one month from the date of receipt of the decision of the Tribunal was passed by the respondents, the petitioner should have brought a contempt petition against the respondents within a period of one year from the date on which the contempt is alleged to have been committed. Section 20 of the Contempt of Courts Act, 1971, (for short the Act) reads as follows :-

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"20. Limitation for actions for contempt. - 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."

The aforesaid provisions do not give any discretion to any court and the court cannot extend the period for taking action in a case even where it finds the same to be a fit one for that purpose. Section 20 of the Act puts an absolute fetter on the power of the Tribunal to initiate proceedings for contempt after the expiry of a period of one year from the date on which contempt is alleged to have been committed. The present Contempt Petition for non-implementation of the directions contained in TA 373/92, decided on 18.1.94, should have been filed within a year of the expiry of a period of one month from 18.1.94 but the same having been filed as late as on 11.7.95 is barred by limitation.

2. This Contempt petition is, therefore, dismissed as being time barred.


(O.P. SHAFMA)

MEMBER (A)


(GOPAL KRISHNA)

VICE CHAIRMAN

VK

