

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 20-8-1996

CP No. 72/95 (OA No.21/1990)

Prakash Chand Thundia .. Petitioner

Versus

M.Ravindra &amp; Ors. .. Respondents

Mr. P.V.Calla, counsel for the petitioner

Mr. Manish Bhandari, counsel for the respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. O.P.Sharma, Administrative Member

ORDERPer Hon'ble Mr. O.P.Sharma, Administrative Member

In this Contempt Petition, the petitioner, Shri Prakash Chand Thundia, has prayed that the respondents should be suitably punished for non-compliance with the directions of the Tribunal given in the order dated 12-12-1994, passed in OA No. 21/1990, Prakash Chand Thundia Vs Union of India and Ors.

2. The directions given in the order dated 12-12-1994, as aforesaid, were to the effect that the applicant, who was selected on the basis of the earlier panel, should be treated as senior to the one who is selected on the basis of the subsequent panel and, therefore, the petitioner should be given the benefit of entering into higher grade with all consequential benefits.

3. In the reply to the Contempt Petition, the respondents have stated that they have preferred a Review Application and on the said Review Application notices have already been served on the respondents and the matter is pending for final hearing. Further, according to them, since the Review Application as

well as the present Contempt Petition, which are on the same matter, are pending, therefore, both the matters i.e. Review Application and the Contempt Petition may be listed on the same date. It has further been prayed that the Tribunal may not pass any further order in the Contempt Petition until the Review Application is finally heard and decided.

4. The Tribunal, by an order passed today in the Review Application No. 9/1995, has recalled the order dated 12-12-1994 in OA No. 21/1990 and has directed that the OA in question be heard afresh. Accordingly, the OA has been listed for hearing on 3-9-1996.

5. The learned counsel for the petitioner argued that the order in the OA was passed on 12-12-1994 and a period of 3 months was given to the respondents from the date of the order to comply with the directions of the Tribunal. There has been no compliance with the order of the Tribunal. Instead a Review Application has been filed. Thus, in fact, there has been no compliance with the directions of the Tribunal and, therefore, the respondents have committed contempt of court for which they deserve to be suitably punished.

6. We have considered the matter carefully. The order in OA No. 21/1990 was passed on 12-12-1994. Very shortly thereafter a Review Application against the said order was presented on 11-1-1995 and therefore it appears to us that the respondents had been pursuing bona fide the matter regarding the review of the order passed by the Tribunal on 12-12-1994. It cannot, therefore, be said that there was a deliberate intention on the part of the respondents not to comply with the directions of the Tribunal. In these circumstances, we are of the view that this Contempt Petition is not now maintainable.

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It is, therefore, dismissed and the notices issued are discharged.

  
(O.P. Sharma)

Administrative Member

  
(Gopal Krishna)

Vice Chairman