

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 20.12.96

CP 54/96 with MA 366/96 (OA 71/92)

Pam Sharan Lal Verma, Retired Guard-A Spl., Western Railway, Gangapur City.

... Petitioner

Versus

1. Shri M.Ravindran, General Manager, Western Railway, Churchgate, Bombay.
2. Shri M.Sirazuddin, Divisional Railway Manager, Western Railway, Kota.
3. Shri Madhav Singru, FA & CAO, Western Railway, Churchgate, Bombay.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.S.C.VAISH, ADMINISTRATIVE MEMBER

For the Petitioner ... Mr.R.R.Kumawat

For the Respondents ...

O-R-D-E-R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

This Contempt petition is directed against non-compliance of the order passed in OA 71/92 on 19.11.93.

2. We have heard the learned counsel for the petitioner and have carefully perused the records.

3. The order in respect of which this Contempt Petition has been filed, reads as follows :-

"Heard, learned counsel for the parties. The contention of the applicant is that he retired in 1982 claiming benefit of the circular dated 5.6.84. It provides that for those retiring after 1.8.81 emoluments for retirement benefits will consist of pay + 55% thereof + D.P. as appropriate percentage calculated on basic pay + 30% thereof. The respondents are directed to consider the circular and if necessary to refix pension of the applicant in the light of this circular. The applicant may give an application for remaining amount of 'interest' and dues which he claims after retirement and the respondents are directed to dispose of the same within a period of 3 months with speaking orders.

OA stands dispose of accordingly."

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The order of which implementation is being sought through this Contempt

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Petition was passed on 19.11.93, as stated above. The period of six months thereafter expired on 18.5.94. The cause of action for this Contempt Petition in fact accrued to the petitioner sometime during six months when the directions of the Tribunal were not implemented by the respondents since no time limit for carrying out the directions in the aforesaid OA was prescribed by the Tribunal. The present petition for contempt has been filed on 26.7.96, much beyond 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, states that no court shall initiate any proceeding for contempt after the expiry of a period of one year during the date on which the contempt is alleged to have been committed. Bar of limitation prescribed by Section 20 of the Contempt of Courts Act being absolute, we have no alternative but to reject the present petition for contempt as being time barred. MA for condonation of delay also stands dismissed.

mrml
(S.C.VAISH)

ADMINISTRATIVE MEMBER

CkNlne
(GOPAL KRISHNA)

VICE CHAIRMAN

VK