

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.
C.P.No.19/97 Date of order: 18/2/2007

Basant Kumar, S/o Shri R.P.Gupta, R/o 2/462, Malviya Nagar, Jaipur, posted as Accountant, CGHS, Jaipur.

...Petitioner.

Vs.

1. Shri P.P.S. Chauhan, Secretary, Mini. of Health & Family Welfare, Govt. of India, New Delhi.
2. Shri M.K.Srivastava, Additional Director, CGHS, Hotel Radha Krishna Annex, Near Rly. Station, Jaipur.

...Respondents.

Mr.Virendra Lodha - Counsel for the petitioner.

Mr.V.S.Gurjar - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

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

This is an application under Sec.17 of the Administrative Tribunals Act, 1985, arising out of an order passed in O.A No.244/97 dated 24.6.97.

2. This Tribunal vide order dated 24.6.97 in O.A No.244/97 issued directions as below:

"In the meanwhile if the applicant has not been relieved till today, the operation of the order dated 18.6.96 (Annex.A1) will remain stayed.

3. It is stated by the petitioner that the opposite parties have intentionally and wilfully disobeyed the order of the Tribunal by not allowing the applicant to join as Accountant. Inspite of serving a notice on 26.6.97, the opposite parties did not allow the applicant to work on the post of Accountant which clearly shows that the opposite parties are having scant regard to the orders of the Tribunal. Therefore, the applicant makes a prayer for punishing the opposite parties for wilful and deliberate disobedience of the interim order passed on 24.6.97 in O.A No.244/97.

4. Reply to the showcause was filed by the opposite parties. It is stated in the reply that the applicant did not fulfil the minimum qualification for appointment to the post of Accountant and that the appointment of the applicant on the post of Accountant was on Ad hoc basis, therefore, his ad hoc appointment was terminated vide order dated 18.6.97. It is also stated by the opposite parties that the order of the Tribunal was delivered in the office of respondent No.2 on

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24.6.94 in the afternoon whereas the petitioner stood relieved w.e.f. 18.6.97 vide order dated 23.6.97. It is further stated that the order of the Tribunal was conditional wherein it was directed that if the applicant has not been relieved till today he should not be relieved. The fact that the petitioner stood relieved w.e.f. 18.6.97 vide order dated 23.6.97, therefore, no case of contempt is made out against the opposite parties. The opposite parties denied that any deliberate or wilful disobedience of the directions of the Tribunal was committed. It is also stated that the applicant failed to establish the contempt of Court therefore the contempt petition deserves to be dismissed.

5. Heard the learned counsel for the parties and perused the whole record.

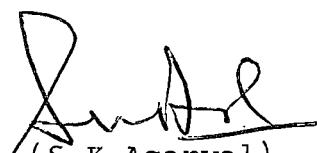
6. Disobedience of Court/Tribunal's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemners to disobey the order of this Tribunal was intentional and deliberate. If this is not proved, then it can be said that applicant failed to establish the contempt against the alleged contemners. Mere delay in compliance of the directions/order of the Tribunal does not constitute contempt unless it is wilful. In the same way the bonafide other interpretation of the order also does not amount to contempt.

7. In the instant case in view of the detailed submissions made by the opposite parties in their reply, the petitioner failed to establish any case of contempt against the opposite parties and no inference of wilful/deliberate disobedience can be drawn against the opposite parties.

8. We, therefore, dismiss this Contempt Petition and notices issued against the opposite parties are hereby discharged.


(N.P. Nawani)

Member (A).


(S.K. Agarwal)
Member (J).