

**In The Central Administrative Tribunal  
Jaipur Bench, Jaipur**

OA/TA/MP No. ....199  
Western Railway Retired ..... Shri V.K. Agarwal, Chairman,  
Railway Employees Association ..... Railway Board, New Delhi.  
..... Versus .....

Date of Order	Orders
18.11.99	<p><u>CP 22/98 (OA 533/92)</u></p> <p>Mr. S.R. Chaurasia, Proxy Counsel to Mr. D.P. Gurg, Counsel for the petitioners.</p> <p>This CP has arisen out of the order passed in OA 533/92 decided on 8.4.94 by this Tribunal which has been affirmed by Hon'ble Supreme Court of India vide its judgement dated 25.7.97.</p> <p>2. Vide order dated 8.4.94 passed in original Application No. 533/92 by the Tribunal is held as under:—</p> <p>"In the instant case, even the petition has been filed before the judgment of the Full Bench of the C.A.T. However, the facts are the same. It is directed that the cases of all the 52 persons, referred to in the schedule, should be examined and the benefit of the judgment, referred above, should be given to the persons who are entitled for the same. It is further directed that to avoid the multiplicity of litigation and to further the cause of Article 14 relating to the enquiry, the persons who have not approached the court should also be given the benefit of the judgment, if they are eligible and the respondents are directed to examine the same and to extend the benefit of this Judgment to all the persons whe- ther they have approached the Court or not."</p> <p>3. The prayer of the applicants in this CP is to direct the respondents to implement the above order dated 8.4.94 and if the respondents failed to implement the above order, they may be punished for contempt as envisaged u/s 17 of the Administra- tive Tribunal's Act 1985.</p> <p>4. Heard the learned lawyer of the petitioners and also perused the whole record.</p>

...2/-

(5)

**C.A.T. Bench, JAIPUR**

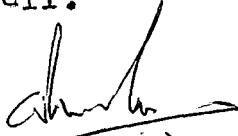

Date of Order	Orders
	<p style="text-align: center;">-2-</p> <p>5. The MA no. 1339/99 was also filed to add the names of 17 persons at the end of schedule appended to this petition. This application is allowed and the names of 17 persons at the end of schedule are allowed to be added.</p> <p>6. On perusal it appears that this Contempt petition U/s 17 of the Administrative Tribunal's Act was filed to punish the opposite party for wilful or deliberate disobedience of this Tribunal's order dated 8.4.94 passed in OA 533/92. The CP admittedly has been filed after four years from the date of passing the order by this Tribunal. Therefore, we have no hesitation in saying that this CP is grossly barred by limitation as the CP appears to have been filed on 24.7.98 after more than four years of the order passed by the Tribunal.</p> <p>7. Even on merits, the applicants have failed to establish the fact of deliberate or wilful disobedience on the part of the opposite party. If the applicants are entitled to the benefits of the judgment/order in question, they should have filed the representation making out their case so as to get the benefits of the order dated 8.4.94 passed in OA 533/92 immediately but it appears that Petitioners' Association only sent a notice dated 12.2.98 to expedite the recomputation of pension and thereafter a telegram on 2.6.98.</p> <p>8. Therefore, we are of the considered opinion that no case for wilful or deliberate</p> <p style="text-align: right;">...3/-</p>

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	<p>-3-</p> <p>of contempt u/s 17 of the Administrative Tribunal's Act 1985 is made out against the opposite parties.</p> <p>9. We, therefore, dismiss this petition as grossly barred by limitation and having no merits at all.</p> <div><div> (N.P. NAWANI) MEMBER (A)</div><div> (S.K. AGARWAL) MEMBER (J)</div></div>

Consent to  
order  
made 4/7/94  
Date 27/1/97