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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.
C.P.No.29/99 Date of order: 25/11/99

Munshi Lal Jatav, S/o Vijay Singh, working as Shunting
Jamaadar, R/o Near Satish Hotel, Bhim Mandi, Daodwara,
Kota Junction.

...Petitioner.

Vs.

1. L.R.Tahper, Divisional Railway Manager, Western Railway,
Kota Division, Kota.
2. S.K.Agarwal, Chief Works Manager, Western Railway, Kota
Division, Kota.
3. Ganga Ram Sharma, Sr.Section Engineer, Yard Shop,
Western Railway, Kota Division, Kota.

...Respondents.

Mr.P.V.Calla - Counsel for the petitioner.

Mr.R.G.Gupta - 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.183/99 dated 22.4.99.

2. This Tribunal vide order dated 22.4.99 in O.A No.183/99
issued directions as below:

"Issue notices to the respondents regarding admission
returnable on 6.5.1999. Notices shall be given dasti to
the applicants for service upon the respondents.

In the meantime the respondents are directed not to
revert the applicants from the post of Shunting Jamaadar
if they do not already stands reverted from the post,
till the next date. May be listed for admission on
6.5.1999."

3. It is stated by the petitioner that the respondents have
shown scant regard to the order passed by this Tribunal and
wilfully and deliberately disobeyed the orders of the
Tribunal by not paying the salary of Shunting Jamaadar to the
applicant although the work of Shunting Jamaadar was taken by
the respondents from the applicant. Therefore, a prayer has
been made to punish the opposite parties for contempt.

4. Reply to the showcause was filed by the opposite parties.

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It is stated in the reply that before the interim order dated 22.4.99 was passed, the applicant had already been reverted back to the post of Senior Pointsman. It is also stated that the respondents have highest regards for the Tribunal and its order and they cannot even think in flouting the orders of the Tribunal.

5. Heard the learned counsel for the parties.

6. Disobedience of Court'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. If this is not proved, then it can be said that applicant failed to establish the contempt against the alleged contemners. Merely that the alleged contemners did not comply with the orders of this Tribunal in time is not sufficient unless it is proved that the delay intentional or deliberate.

6. In the instant case it is made clear that the order of reversion was already issued by the respondents on 15.4.99 before the impugned interim order dated 22.4.99 was passed by the Tribunal. But the applicant was on leave from 6.4.99 to 24.4.99 and 25.4.99 being Sunday the applicant joined only on 26.4.99. It is also admitted fact that a copy of the interim order dated 22.4.99 was served upon respondent No.3 on 29.4.99. It is stated by the learned counsel for the opposite parties that difference of salary for the work done on the post of Shunting Jamaadar has already been paid to the applicant vide order dated 24.8.99. Therefore, he submits that in no way case of contempt of this Tribunal's order dated 22.4.99 is made out.

7. On the other hand the learned counsel for the petitioner submits that the applicant has committed wilful and deliberate disobedience of this Tribunal's order dated 22.4.99, therefore, case of contempt has been fully established against them.

8. We have given thoughtful consideration to the rival contentions of both the parties and also perused the whole record.

[Signature]

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9. In view of the legal position as above and in the facts and circumstances of this case, no wilful or deliberate disobedience of this Tribunal's order dated 22.4.99 could be established against the opposite parties.

10. 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).