

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 04.05.2000

CP No.32/99 (OA No.351/99)

Nanag Ram S/o Shri Kalyan Sahai, aged about 38 years, village Ganpatpura Chak No.1, Tehsil Sanganer, Post Mansarovar, District Jaipur.

.. Petitioner

Versus

1. Smt. Aparna Vaish, Station Director, Prasar Bharati, Broadcasting Corporation of India, All India Radio, Jaipur.
2. Shri G.P.Maheswari, Station Engineer, Prasar Bharati, Broadcasting Corporation of India, All India Radio, Jaipur.
3. Shri M.L.Goyal, Assistant Station Engineer, Prasar Bharati, Broadcasting Corporation of India, All India Radio, Jaipur.

Respondents

Mr. R.D.Rastogi, counsel for the petitioner

Mr. Hemant Gupta, proxy counsel for Mr. M.Rafiq, counsel for the respondents

CORAM:

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

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

ORDER

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

This is an application under Section 17 of the Administrative Tribunals Act, 1985, arising out of an interim order passed in OA No.351/99 dated 22.7.1999.

2. This Tribunal vide order dated 22.7.1999 in OA No.351/99 issued an interim direction as under:

"Meantime the operation of the verbal termination order of the applicant's service on the post of Gardner on 9.7.99 is stayed and the applicant may be allowed to work as Gardner till the next date."

3. It is stated by the petitioner that the opposite parties have wilfully and deliberately disobeyed the orders of the Tribunal passed in OA No.351/99 dated 22.7.1999 by not complying with the order of this Tribunal. In view of the facts stated in this Contempt Petition, the petitioner has prayed to initiate contempt proceedings against the opposite parties.

4. Reply to showcause was filed by the opposite parties. It is stated in the reply that ~~the~~ in compliance of the interim order dated 22.7.1999,

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the respondents have passed an order dated 24.9.1999 by which the applicant has been engaged at a consolidated amount of Rs. 1400/-.

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 contemnors 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 contemnors.

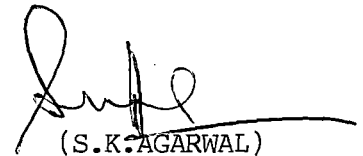
7. In the instant case, in view of the detailed submissions made by the opposite parties in their reply, we find that the petitioner has failed to establish any case of contempt against the opposite parties and no inference of wilful/deliberate disobedience can be drawn against the opposite parties.

8. We, therefore, dismiss this Contempt Petition and notices issued <sup>ad</sup> against the opposite parties are discharged.



(N.P. NAWANI)

Adm. Member



(S.K. AGARWAL)

Judl. Member