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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

\* \* \*

Date of Decision: 1.5.2000

CP 33/99 (OA 211/98)

Mewa Singh, Sub Postmaster Tiba Bassi, Distt. Jhunjhunu.

... Petitioner

Versus

1. Manu Vyas, Postmaster General, Rajasthan Western Region, Jodhpur.
2. R.L.Mali, Supdt.of Post Offices, Jhunjhunu Division, Jhunjhunu.

... Respondents

CORAM:

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

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Petitioner ... Mr.K.L.Thawani

For the Respondents ... Mr.Hemant Gupta, proxy  
counsel for Mr.M.Rafiq

O R D E R

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

This Contempt Petition has arisen out of an order passed in OA 211/98 on 14.10.98.

2. By order dated 14.10.98, passed in OA 211/98 (Mewa Singh v. Union of India and others), this Tribunal has given the following directions :-

"This application is disposed of with a direction to the respondents to consider the applicant's posting at some station near Chirawa in the light of the communication dated 6.7.98, at Annexure R-2 of the additional reply, as expeditiously as possible."

3. After filing the Contempt Petition, a show-cause notice was issued to the opposite parties and a reply to the show-cause notice was filed by the opposite parties. In the reply it has been made specific that in pursuance of the order of this Tribunal dated 14.10.98 the case of the applicant for mutual transfer was duly considered but in view of the reasons given in para-3 of the reply, his request could not be acceded to. In para-3, detailed reasons have been given. In support of the reasons, the opposite parties have also filed Annexures R-3 and R-4. On the basis of the detailed reply and the documents filed by the opposite parties, it is clearly evident that the petitioner failed to establish a case of wilful disobedience on the part of the opposite parties.

*[Signature]*

4. Disobedience of this Tribunal's order amounts to contempt only when it is deliberate or wilful. Merely because a person concerned could not get the benefit of the direction given by the Tribunal does not mean that there was a wilful or deliberate disobedience on the part of the opposite parties. In the same way, delay in considering the case of the petitioner cannot also become a ground for establishing contempt against the opposite parties. In the instant case, the petitioner failed to establish any wilful and deliberate disobedience on the part of the opposite parties. Therefore, no case for punishing the opposite parties for contempt is made out.

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



(N.P.NAWANI)

MEMBER (A)



(S.K.AGARWAL)

MEMBER (J)