

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.P.No.20/99

Date of order: 8.5.2000

Ali, S/o Shri Dhanna, R/o C/o Dy.Chief Engineer(C), Ajmer,  
Mal Road, Ajmer, employed on the post of Sarang.

...Petitioner.

Vs.

Shri V.D.Gupta, General Manager, W.Rly, Churchgate, Mumbai

... Respondent.

Mr.J.K.Kaushik - Counsel for applicant.

Mr.Manish Bhandari - Counsel for respondent.

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.

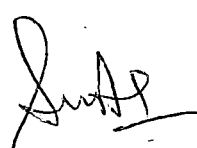
This Contempt Petition has arisen out of an order of this Tribunal dated 2.2.98 passed in O.A No.428/97, Ali Vs. UOI & Ors, the following directions were issued:

'In the circumstances, we direct the respondents to consider the case of the applicant for regularisation against Group-C post of Sarang against 25% promotion quota if he is found to be senior enough and if he falls within the zone of consideration depending upon the availability of vacancies, as per rules. With regard to the prayer for protection of pay, the applicant may make a representation to the respondents who will consider it in accordance with the rules. As regards grant of transfer allowances, joining time, etc, for movement on transfer, the allowances may be granted to the applicant as admissible under the rules.'

2. It is stated by the applicant that the opposite party has not complied with the orders of the Tribunal wilfully and deliberately and disobeyed the orders of the Tribunal passed on 2.2.98 in O.A No.428/97. Therefore, the applicant has prayed to punish the opposite party for contempt.

3. Show cause was filed. It is stated in the reply that in pursuance of the judgment of the Tribunal, the applicant has already been considered for regularisation by Rajkot Division. It is also stated in the reply that the applicant is not entitled to transfer allowance, etc, as the same is not admissible to him.

4. In view of the reply filed by the opposite party, we are of the considered opinion that the applicant failed to establish wilful and deliberate disobedience of the order of this tribunal dated 2/2/98 passed in O.A No.428/97, on the part of the respondent.



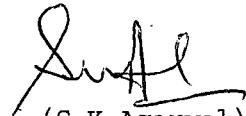
5. Disobedience of Court/Tribunal's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that the action of the alleged contemner to disobey the order of the Tribunal was intentional and deliberate. If this is not proved, then it is can be said that the applicant failed to establish the contempt against the alleged contemner. In the present case, the petitioner failed to establish any wilful and deliberate disobedience on the part of the opposite party. Therefore, no case for punishing the opposite party for contempt is made out.

6. We are, therefore, of the opinion that no case of contempt is made out against the opposite party. We, therefore, dismiss the Contempt Petition and notice issued to the opposite party is hereby discharged.



(N.P.Nawani)

Member (A).



(S.K.Agarwal)

Member (J).