

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 02.08.2000

CP No.47/99 (OA No. 368/1999)

Mahesh Singh S/o Bhairon Singh aged about 28 years working as
EDBPM, Pootpura PO, Distt. Dholpur.

.. Petitioner

V e r s u s

1. B.B.Kapoor, Chief Postmaster General, Rajasthan
Circle, Jaipur.
2. A.S.Tyagi, Supdt. of Post Offices, Dholpur Division,
Dholpur.

.. Respondents

Mr. K.L.Thawani, counsel for the petitioner

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

CORAM:

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

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

ORDER

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

This Contempt Petition was initiated against the
order passed by this Tribunal on 4.8.1999 in OA No.368/99.

2. In OA No.368/99 the following order dated 4.8.99 was
issued :

"Heard. Issue notice Dasti to the respondents
regarding admission returnable on 18.8.99.

The respondents are directed not to relieve the
applicant from the post of E.D.B.P.M., Poothpura,
Dist. Dholpur in case no appointment on regular
basis is made to the post till the next date".

3. It is stated by the learned counsel for the

petitioner that the opposite parties have wilfully and deliberately disobeyed/flouted the orders of this Tribunal, therefore, contempt proceedings should be initiated against the opposite parties.

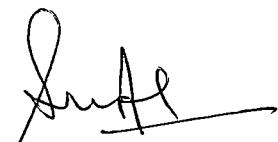
4. Notice to show cause was issued to the opposite parties. Opposite parties have filed reply. In the reply, it is stated that Shri Dauji Ram was appointed on the post of EDBPM on regular basis by the Superintendent of Post Offices, Dholpur Division, Dholpur vide memo No.H-194 dated 20.7.99. Photostat copy of the same is also annexed with the reply as Ann.R1. It is further stated that Shri Dauji Ram regularly selected EDBPM started running the Branch Post Office from 3.8.1999. Photostat copy of the notice dated 3.8.1999 is also annexed as Ann.R2. ^{Thus} In the reply filed by the opposite parties, the opposite parties have stated that no contempt is made out against the opposite parties.

5. Disobedience of the Courts/Tribunals order amounts to contempt only when it is deliberate and wilful. The petitioner in this case failed to establish the fact that there was any wilful or deliberate action on the part of the opposite parties. Therefore, in view of the averments made in the reply, we are of the considered opinion that no case of contempt is made out against the opposite parties and this Contempt Petition is liable to be dismissed.

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



(N.P.NAWANI)
Adm. Member



(S.K.AGARWAL)
Judl. Member