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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 29.6.2000

CP 31/2000 (OA 334/96)

Suresh Chand Sharma, MES No.105208 AE B/R in the office of Chief Engineer, Jaipur Zone as S.O.3, Jaipur.

... Petitioner

v/s.

1. Lt.Gen.A.N.Sinha, PVSM, AVSM, Engineer-in-Chief, Army HQs, DHQ/PO, Kashmir House, New Delhi.
2. Maj.Gen.IJS Dhillon, Chief Engineer, Western Command, Chandigarh.
3. Brig.B.S.Dhaliwal, Chief Engineer, HQs, Bhatinda Zone, Bhatinda (Punjab).
4. Maj.Sanjay Bhatia, Garrison Engineer, Bhatinda Military Station, Bhatinda (Punjab).

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER  
HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Petitioner ... Mr.Amitabh Bhatnagar

For the Respondents ... ----

O R D E R

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

Heard the learned counsel for the petitioner. This CP has arisen out of an order passed on 4.10.99 in OA 334/96. The order passed on 4.10.99 passed in OA 334/96 is reproduced below :-

"In the circumstances, this application is disposed of with a direction to the respondents to reconsider the applicant's case for treating the period from 1.3.95 to 14.12.95 as spent on duty keeping in view the decision of Hon'ble the High Court, reported in 1984 LAB. I.C. NOC 58 (KANT), H. Manchiah vs. The Director of Medical Education, Bangalore, referred to above. The respondents are further directed to clear the pending dues mentioned in the letter dated 15.3.96, at Annexure A-1, within a period of three months from the date of receipt of a copy of this order."

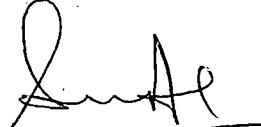
The petitioner submits that the opposite parties have deliberately and wilfully disobeyed/flouted the orders of the Tribunal. Therefore, he has requested to initiate contempt proceedings against them.

2. On the perusal of this file it appears that the opposite parties have/considered the directions given by this Tribunal on 4.10.99 and ~~now~~ held that the period from 1.3.95 to 14.12.95 cannot be treated on duty on account of ailment of the petitioner. In view of the order passed by the opposite parties/respondents dated 24.1.2000, copy of which has also been filed with this petition, it has been made clear that the competent authority has already regularised the period from 1.3.95 to 14.12.95 by grant of leave as applicable and due to the petitioner. In view of the order passed on 24.1.2000, it appears that there is prima-facie no wilful or deliberate disobedience on the part of the opposite parties.

3. Disobedience of the Tribunal's order amounts to contempt only when it is deliberate and wilful. Merely that the order passed by the Tribunal interpreted by the parties in the different way does not establish any wilful/deliberate disobedience on the part of the opposite parties.

4. We are, therefore, of the considered opinion that it is not a fit case in which opposite parties may be given show-cause notice to initiate contempt proceedings against them. We, therefore dismiss this CP at this stage and no notice to the opposite parties are required to be issued for initiating contempt proceedings against them.

  
(N.P. NAWANI)  
MEMBER (A)

  
(S.K. AGARWAL)  
MEMBER (J)