

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 13.09.2000

CP No.39/2000 with MA 272/2000 (OA No.182/91)

Surendra Kumar S/o Shri Babu Lal last employed in Loco Shed, Phulera under Jaipur Division of Western Railway at present R/o House No.423, JP Nagar, UIT Colony Madar, Ajmer.

.. Petitioner

Versus

Shri Arimardan Singh, Divisional Rail Manager, Western Railway, Jaipur Division, Jaipur.

.. Respondents

Mr. V.K.Mathur, counsel for the petitioner

CORAM:

Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

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

Order

Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

This Contempt Petition is filed complaining disobedience of the order dated 7.10.1994 passed in OA No.182/91. We find that a similar Contempt Petition, complaining disobedience of the same order dated 7.10.1994 in OA No.182/91 was dismissed vide order dated 5.12.1997 in CP No.67/96 in OA No.182/91 as barred by time. Again this Contempt Petition is filed on 3.8.2000 stating that the cause of action is recurring cause of action, therefore, petitioner filed this Contempt Petition.

2. As we have already noted that the very Contempt Petition filed by the very petitioner, complaining the disobedience of the order of the Tribunal dated 7.10.1994 in OA No.182/91 has already been dismissed as barred by time by order dated 5.12.1997 in CP No.67/97. If that is so, this Contempt Petition cannot be

entertained as this Contempt Petition is also barred by time. MA No.272/2000 is for condonation of delay in filing the Contempt Petition contending that his cause of action is recurring cause of action and the Department has called for applications for the post. Therefore, they have committed contempt of this Tribunal and the delay may be condoned. In our opinion, as stated above, the earlier Contempt Petition has been dismissed as barred by time, there would be no question of any recurring cause of action. Accordingly, we find that the petitioner cannot make out any sufficient cause for the purpose of condonation of delay and, therefore, even this MA is liable to be dismissed.

3. Therefore, we dismiss the Contempt Petition as barred by time and MA having no merits.

  
(N.P.NAWANI)

Adm. Member

  
(B.S.RAIKOTE)

Vice Chairman