

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL? JAIPUR BENCH, JAIPUR.

Date of Order: 24.11.2000

CP 40/2000(OA 85/96)

Umed Singh son of Shri Magandan aged 45 years resident of village and P.O. Alsisar and working as Sub-Postmaster Alsisar Distt. Jhunjhunu (Raj.)

.... Petitioner

Versus

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

.... Respondents.

Mr. K.L. Thawani, Counsel for the Petitioner.
Mr. Hemant Gupta, Proxy counsel for
Mr. M. Rafiq, Counsel for the respondents.

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)
Hon'ble Mr. Gopal Singh, Member (Administrative)

ORDER

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

THIS Contempt Petition has arisen out of a order passed
in OA 85/96 dated 10.12.1999.

Signature

...2/-

Received

27.11.2000

Received
Mmms

22.11.2000

2. By an order dated 10.12.99 passed in OA 85/96, this Tribunal gave following direction:-

"In the light of above direction we hold that the entire pension of the applicant be ignored while fixing the initial pay of his appointment as Postal Clerk in the pay-scale of Rs. 260-400. The financial benefits shall be calculated and adjusted accordingly but the applicant will be entitled to financial benefits with effect from 6.2.1995 i.e. one year prior to the date of filing this original application."

3. It is stated by the petitioner that opposite party have wilfully and deliberately disallowed the order of this Tribunal and, therefore, contempt proceedings should be initiated against them and they should be punished accordingly.

3. Show-cause was given to the opposite parties and reply was filed. In the reply it has been stated that order of this Tribunal has already been complied with and applicant has been paid Rs. 44,874/- on 19.10.2000 subject to final outcome of the Writ-Petition pending before the Hon'ble Rajasthan High Court.

4. The learned counsel for ~~the~~ the petitioner submits that the conduct of the opposite party in this case has been not to comply ^{with} the order passed by this Tribunal.

5. The Opposite party have complied with the orders of this Tribunal and it is settled legal position ^{non-} ~~that~~ that mere ^{Constitute} ~~comply-~~ ing with the orders of this Tribunal does not ^{to} ~~te~~ constitute contempt unless it is deliberate and wilful. Before us at present there is no basis to come to this conclusion that this delayed in compliance was wilful and deliberate. We, therefore, dismiss this Contempt Petition and notices against the alleged contemnors are discharged.

(GOPAL SINGH)
MEMBER (A)

(S.K. AGARWAL)
MEMBER (J)