

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

C.P.No.30/2000

Date of order: 21/8/2001

1. Nem Raj, S/o Sh.Brij Lal, employed on the post of Head Clerk, O/o Dy.Controller of Stores, Ajmer.
2. Roop Chand, S/o Bheru Lal, employed on the post of Stores, Ajmer.
3. Pooran Chand, S/o Sh.Warain, employed as Head Clerk, O/o Dy.Controller of Stores, Ajmer.

...Applicants.

Vs.

1. Sh.S.S.Godbole, Chief Personnel Officer, W.Rly, Churchgate, Mumbai.
2. Sh.Harish Gupta, Deputy Controller of Stores, W.Rly, Ajmer.

...Respondents.

Mr.Shiv Kumar : Counsel for applicants
Mr.S.S.Hasan) : for respondents.
Mr.Mukesh Sharma)

CORAM:

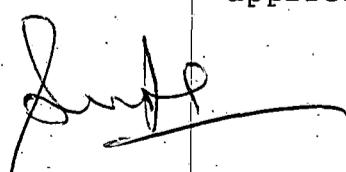
Hon'ble Mr.S.K.Agarwal, Judicial Member.

Hon'ble Mr.A.P.Nagrath, Administrative Member.

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

This Contempt Petition has arisen out of the order passed on 25.11.99 in O.A No.266/95, Nem Raj & Ors Vs. Union of India & Anr, in which the following directions were issued:

"The OA accordingly succeed and is disposed of with a direction to respondents to consider within a period of two months from the date of receipt of a copy of this order, cases of promotions of the applicants alongwith all consequential benefits."



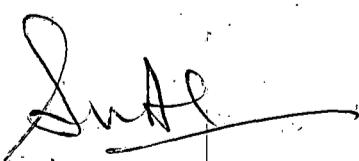
2. It is stated by the petitioners that they have supplied a copy of the order dated 25.11.99 to the respondents and the respondents sought time for implementation of the order. The Tribunal granted time upto 31.5.2000 but still the order passed by the Tribunal has not been implemented and the respondents have wilfully and deliberately disobeyed the orders passed by the Tribunal therefore, this contempt petition has filed.

3. Showcause notice was issued to the opposite parties and reply to the showcause notice was filed. It is stated in the reply that the directions given by the Tribunal on 25/11.99 could not be complied with due to an interim order passed in O.A No.106/96 in which applicants in O.A No.266/95 are party respondents.

4. Heard the learned counsel for the parties and also perused the averments of the parties and the whole record.

5. It appears that S/Sh.Brij Mohan Singh and Prithvi Singh has filed O.A No.106/96 impleading the petitioners S/Sh.Nem Raj, Roop Chand and Pooran Chand as pty respondents, claiming promotion on the post of Chief Clerk on the basis of their seniority in the cadre of Head Clerk. In the said O.A an interim order was issued on 19.2.96 directing the respondents to maintain status quo regarding promotion on the basis of reservation in excess to the prescribed percentage and inter se seniority in the feeder cadre.

6. The main contention of the learned counsel for the respondents in this contempt petition has been that the order passed by this Tribunal on 25.11.99 could not be complied with due to the order passed in O.A No.106/96 on 19.2.96. On the perusal of the pleadings of the parties it

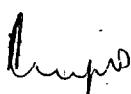


does not appear at all that there has been any deliberate/wilful disobedience on the part of the opposite parties.

7. In Indian Airport Employees Union Vs. Ranjan Chatterjee, SLR 1999(1) SC 612, it has been held by Hon'ble Supreme Court that in order to prove civil contempt, there must be wilful disobedience. If there is no proof of flouting the orders of the court deliberately there would not be a case of contempt.

8. In the instant case, we do not find any deliberate disobedience on the part of the alleged contemners therefore, the petitioners have failed to establish a case of contempt against the alleged contemners.

9. We, therefore, dismiss this Contempt Petition having no merit and the notices issued to the alleged contemners are hereby discharged.


(A.P.Nagrath)

Member (A).


(S.K.Agarwal)

Member (J).