

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

C.P..No.31/2001

Date of order: 6.8.2001

Amar Singh, S/o Sh.Devi Ram, working as Gangman at
Unit No.81, O/o Sr.Section Engineer, (P.Way),
Bayana, Distt.Bharatpur.

...Applicant.

Vs.

Sh.Ram Gopal Rahana, Divisional Rly.Manager, W.Rly,
Kota.

...Respondent.

Mr.S.R.Vasistha : Counsel for applicant

Mr.T.P. Sharma : for respondent.

CORAM:

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

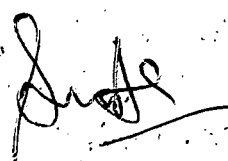
Hon'ble Mr.A.P.Nagrath, Administrative Member.

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

This Contempt Petition has arisen out of an order
passed by this Tribunal on 15.1.2001 in O.A No.9/2001, Amar
Singh Vs. Union of India & Ors.

2. Vide order dated 15.1.2001, issued in O.A No.9/2001,
Amar Singh Vs. UOI & Ors, this Tribunal issued the following
orders:

"In view of the submissions made before us, we
direct the applicant to make a fresh representation
to respondent No.2 within a week from the date of
passing of this order and respondent No.2 is
directed to decide/dispose of the same within one
month from the receipt thereof by a reasoned and
speaking order, considering the grievance of the
applicant sympathetically. The applicant will be at
liberty to approach the proper forum for redressal



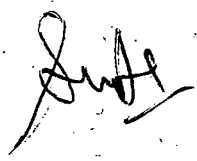
of his grievance, if he feels aggrieved by the decision taken on his representation."

3/ It is stated by the petitioner that the opposite party has wilfully and deliberately disobeyed the orders passed by this Tribunal, therefore, he should be punished for contempt.

4. Reply was filed. In the reply, it is stated that as per directions given by this Tribunal vide order dated 15.1.2001, the representation filed by the applicant on 17.1.2001 was decided/disposed of vide order dated 1.3.2001, therefore, compliance has been made. It is stated that the applicant has also been informed by the respondent's department regarding disposal of his representation. Therefore, it is stated that the opposite party has not committed any contempt. It is further stated that even if this Tribunal comes to the conclusion that the opposite party has committed contempt, the alleged contemner offers unconditional apology.

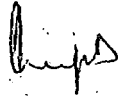
5. Heard the learned counsel for the parties and also perused the whole record.

6. Disobedience of Court/Tribunal's order amounts contempt only when it is deliberate and wilful. Merely that the order was not complied with within the specified period is not a ground to say that the alleged contemner is guilty of committing contempt. In the instant case, it is abundantly clear, that in pursuance of the order passed by this Tribunal dated 15.1.2001 in O.A No.9/2001, the opposite party, the Divisional Railway Manager, W.Rly, Kota, has decided/disposed of the representation of the applicant on 1.3.2001 and the said representation appears to have been submitted on 17.1.2001. No wilful/deliberate disobedience on



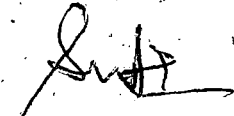
the part of the opposite party/respondent could be established by the petitioner. Therefore, we are of the considered opinion that the applicant failed to establish any contempt against the opposite party.

7. We, therefore, dismiss this Contempt Petition having no merit and the notice issued to the opposite party is hereby discharged.



(A.P. Nagrath)

Member (A).



(S.K. Agarwal)

Member (J).