

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR
BENCH, JABALPUR

Contempt Petition No. 114 of 2004
(In O.A. No. 185 of 2003)

Jabalpur, this the 1st day of April, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Ms. Sadhna Srivastava, Judicial Member

Dr. A.N. Singh, Son of late Shri A.P. Singh,
Aged about 60 years, R/o. 12, Anchal Bihar,
Katanga, Jabalpur M.P. Applicant

(By Advocate – Shri Gopi Chourasia)

V e r s u s

1. Shri C.D. Arha, Secretary, Ministry of
Mines, Government of India,
Shastri Bhawan, New Delhi.
2. Dr. K.N. Madhur, The Director General,
Geological Survey of India, 27, J.L. Nehru
Road, Kolkata WB.
3. Shri Seva Das, The Deputy Director General,
Geological Survey of India, CRO Seminary
Hills, Nagpur Mah.
4. Shri N.S. Tomer, Director and Head of Office,
Geological Survey of India, Ooperation
Madhya Pradesh-II, Sanjivani Nagar,
Garha Road, Jabalpur M.P. Respondents

(By Advocate – Shri Om Namdeo)

O R D E R

By Ms. Sadhna Srivastava, Judicial Member –

The present Contempt Petition has been filed by the petitioner on the ground that the direction given by this Tribunal vide judgment dated 6.4.2004 in OA No. 185/2003 has not been complied with by the respondents. The judgment has been filed as Annexure C-1.

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2. On 18.1.2005 the Tribunal has issued show cause notices to the opposite parties to explain as to why the contempt proceedings may not be initiated against them for non-compliance of the order dated 6.4.2004. The respondents were directed to file their reply within a period of 4 weeks. A bare perusal of the judgment dated 6.4.2004 clearly shows that this Tribunal has quashed the order dated 21st March, 2003 passed by the respondents and directed the respondents to take further action in the matter after giving an opportunity of hearing to the petitioner and this order should be complied within a period of three months from the date of receipt of the copy of the order. The learned counsel for the petitioner has submitted that the respondents did not willfully complied with the order passed by this Tribunal in the aforesaid OA and recovered an amount of Rs. 22,000/- without issuing any order of recovery and ignoring this fact that the order of recovery dated 21st March, 2003 was quashed by this Tribunal. By acting so the respondents have committed grave contempt of the order passed by this Tribunal.

3. While contesting the Contempt Petition, the respondent No. 3 has filed an affidavit stating therein that the respondents have fully complied with the order passed by this Tribunal on 6.4.2004 in OA No. 185/2003 by passing the final order dated 23.11.2004 (Annexure R-3). Thus, no case for contempt is being made out.


4. We have heard both the parties and gone through the pleadings very carefully.

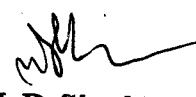
5. We have seen the judgment passed by this Tribunal earlier on 6th April, 2004 in OA No. 185/2003, whereby the respondents were directed to pass fresh orders after giving an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of the copy of the order. In compliance of the judgment dated 6.4.2004 the respondents have issued the show cause notice to the petitioner on 30.8.2004 (Annexure R-1). Since the final order could

not be passed within the period of three months, the respondents have filed Misc. Application No. 860/2004 seeking extension of time to comply with the order passed in the aforesaid Original Application. The Misc. Application No. 860/2004 was allowed vide order dated 2.9.2004 and one month further time was granted to comply with the order. Again the counsel for the respondents has moved Misc. Application No. 1236/2004 for grant of further time to comply with the direction given in the judgment dated 6.4.2004 passed in the aforesaid OA. This Tribunal vide its order dated 26.10.2004 in the Misc. Application No. 1236/2004 again granted one month time to comply with the order dated 6.4.2004. Thereafter, considering the representation of the petitioner dated 8.9.2004 on the show cause notice, the respondents have passed the final order dated 23.11.2004, rejecting the claim of the petitioner.

6. In view of the facts and circumstances stated above we are of the view that the respondents have fully complied with the direction given by this Tribunal in the judgment dated 6.4.2004 and we do not find that the respondents have committed any contempt of this Tribunal by not complying with the order dated 6.4.2004. Since the order has been complied with by giving reasons, no case of contempt is made out against the respondents. In case the petitioner is not satisfied, he can seek the remedy as per law against the order dated 23.11.2004.

7. Accordingly, this Contempt Petition is dismissed. Notices may be discharged and the Contempt Petition may be consigned to the records.


(Ms. Sadhna Srivastava)
Judicial Member


(M. P. Singh)
Vice Chairman