

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 09th September, 2008

CONTEMPT PETITION NO. 29/2008
IN
ORIGINATION APPLICATION NO. 181/2003

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Gyarsi Lal son of Shri Indra Raj, aged about 47 years, resident of Ward No. 18, Bhagwano Ka Mohalla, Reengus, District Sikar, Working as OS Grade II at Jaipur.
2. Ashok Gursahani son of Shri Bhagwan Das, aged about 47 years, resident of 13, Mohan Nagar, Gopalpura Bypass, Jaipur, working as OS Grade II, North Western Railway, Jaipur.

.....APPLICANTS

(By Advocate: Dr. Saugath Roy)

VERSUS

1. Shri A.K. Gupta, General Manager, North Western Railways, Hasanpura, Jaipur.

.....RESPONDENT

By Advocate: (Mr. V.S. Gurjar)

ORDER (ORAL)

The applicant has filed this Contempt Petition for the alleged violation of the order dated 14.11.2005 passed in OA No. 181/2003.

2. Notice of this application was given to the respondent. The respondent has filed reply. In the reply, the respondent has taken objection that in view of the provisions contained in the Contempt of Courts Act, 1971, no contempt proceedings can be entertained after the expiry of one year. Further the respondents have stated that the case of Rajendra Kumar Gaur is still pending before the Hon'ble High Court and even the contempt proceedings, which were pending before the Hon'ble High Court, has been stayed by the Apex Court.

3. We have heard the learned counsel for the parties. Learned counsel for the applicant submits that he did not approach this Tribunal within the time prescribed under the CAT Act, as the matter was pending before the Hon'ble High court. Learned counsel for the applicant further submits that the contempt proceedings which was stayed by the Apex Court vide order dated 25.11.2003 in the case of Rajendra Kumar Gaur has been vacated whereas learned counsel for the respondents disputed this fact and has shown the order dated 01.05.2007 passed by the Jodhpur Bench of Hon'ble Rajasthan High Court in the aforesaid Contempt Petition No. 123/2003 whereby the said Contempt Petition has been adjourned.

4. We have given due consideration to the submissions made by the learned counsel for the parties. We are of the view that this Contempt Petition cannot be entertained after a lapse of more than one year. Admittedly, the impugned order has not been stayed by the Hon'ble High Court, as such the filing of the Writ Petition before the Hon'ble High court will not stay the operation of the judgement passed by this Tribunal and under these circumstances, it was permissible for the petitioner to approach this Tribunal within one year from the date of passing of the judgement dated 14.11.2005. In fact the applicant has filed this Contempt Petition on 26.05.2008. As such, we are of the view that the present Contempt Petition cannot be entertained at this belated stage.

5. With these observations, the Contempt Petition is disposed of. Notices issued to the respondents are hereby discharged.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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