

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**C.P. No.220/2016 In
O.A. No.3754/2010**

New Delhi this the 9th day of May, 2016

**HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE MR. V.N. GAUR, MEMBER (A)**

Shri P.P. Singh
Assistant Commissioner of Police,
Delhi Police
R/o M-551, Guru Harkrishan Nagar,
Paschim Vihar,
New Delhi-110087.Petitioner

(Argued by: Shri Ajesh Luthra, Advocate)

Versus

1. Shri Anoop Kumar Srivastav
Secretary,
Union of India,
Ministry of Home Affairs,
North Block,
New Delhi.
2. Shri Najeeb Jung,
Lt. Governor,
Govt. of National Capital Territory of Delhi,
Raj Niwas,
Delhi.
3. Shri Alok Kumar Verma,
Commissioner of Police,
Delhi Police,
Police Headquarters,
I.P. Estate,
New Delhi.Respondents

ORDER (ORAL)

Justice M. S. Sullar, Member (J)

The contour of the facts, which needs a necessary mention for deciding the instant Contempt Petition (CP), is that initially, petitioner, Shri P.P. Singh, Assistant

Commissioner of Police filed OA No.3754/2010 which was disposed of vide order dated 24.02.2011 by a Coordinate Bench of this Tribunal.

2. The petitioner kept quiet and filed the present CP after a gap of a period of more than 5 years. The C.P. came up for hearing and a coordinate Bench presided over by Hon'ble Chairman, passed the following order on 27.04.2016:-

"The order sought to be implemented in these contempt proceedings was passed on 24.02.2011 granting three months' time to the respondents to comply with the directions. The period of limitation prescribed under Section 20 of the Contempt of Courts Act, 1971 of one year is applicable for initiating the contempt proceedings by virtue of Section 17 of the Administrative Tribunals Act, 1985. Apparently, the application for contempt proceedings is barred by limitation. Learned counsel for the petitioner wants to argue on this issue.

List on 09.05.2016".

3. Now the CP has been placed before us. That is how we are seized of the matter.

4. Having heard the learned counsel for the petitioner, having gone through the record with his valuable help, we are of the view that the present CP cannot be entertained after a lapse of period of more than 5 years and is barred by limitation.

5. As is evident from the record that the OA bearing No.3754 of 2010 filed by the petitioner was disposed of by a Coordinate Bench of this Tribunal vide order dated 24.02.2011, which reads as under:-

“Learned counsel for parties are of the same mind that the issues raised in the instant Original Application are squarely covered by the judgment of the Tribunal in OA No.162/2008 and connected matter decided on 14.01.2009. In view of this the same directions as given in the aforesaid OAs have to be given to this Original Application also. We order accordingly. The OA is disposed of”.

6. Meaning thereby, the OA filed by the applicant was decided on the basis of order dated 14.01.2009 in OA Nos.162/2008 and 170/2008 wherein the respondents were directed to consider the case of the applicants (therein) for grant of the next higher grade, after completion of eight years of regular service, and if the applicants are found fit for the next higher grade, the same too would be fixed notionally after eight years of service, which would be effective from the same date, i.e., 31.12.2007 **within a period of three months from the date of said order.**

7. Surprisingly, the petitioner kept quiet for a long period of more than 5 years and now he has filed the present CP for initiating the contempt proceedings against the respondents under Section 17 of the Administrative Tribunals Act, 1985 (hereinafter referred to as “Act”) read with the provisions of the Contempt of Courts Act, 1971 (hereinafter referred to as “the Act”). Section 20 of the Act postulates that no court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of **one year** from date on which the

contempt is alleged to have been committed. Therefore, the CP is barred by limitation.

8. Ex-facie, the argument of learned counsel that since cause of action is of recurring and continuous in nature, so the limitation of one year, as contemplated under Section 20 of the Act, will not apply, is neither tenable nor the observation of Hon'ble Apex Court in the case of ***Firm Ganpat Ram Rajkumar Vs. Kalu Ram and Others AIR 1989 SC 2285*** is at all applicable in the present case. In that case, the possession was not handed over by the contemnor to the receiver, despite consent order and he breached the undertaking given to the court. It was observed by Hon'ble Apex Court that it amounts to a contempt in a situation of this nature is a continuing wrong.

9. Sequelly, the Hon'ble Bombay High Court in the case of ***Sarladevi Bharatkumar Rungta Vs. Bharatkumar Shivprasad Rungta and Another 1988 1987 STPL(LE-Crim) 13051 BOM***, held that if the husband did not make the payment of maintenance amount which was to be made every month during the pendency of the appeal, so it was observed that wife has recurring cause of action.

10. Likewise, the Hon'ble Gujarat High Court in the case of ***Lopaben Patel Vs. Hitendra Rambhai Patel 1999 STPL(LE-Crim) 2565 GUJ***, observed that "looking to the

concept of continuing wrong, it cannot be disputed that unless and until the amount of maintenance pendente lite is not being paid as per the orders of this Court, there would be a continuing wrong”.

11. Therefore, on the peculiar facts and under the special circumstances of the above mentioned cases, it was observed that in case of continuing wrong, the bar of limitation as envisaged under Section 20 of the Act is not applicable.

12. Possibly no one can dispute with regard to the aforesaid observations, but the same would not come to the rescue of the applicant in the present controversy.

13. As indicated hereinabove, the OA of the petitioner was decided on the basis of order dated 14.01.2009 rendered in OA No.162/2008 and respondents (therein) were directed to comply with the directions within a period of 3 months from the date of passing of the said order.

14. In the instant case, if the respondents did not comply with the direction contained in the indicated order within a period of 3 months, then the petitioner was required to file the CP within a period of one year thereafter. The mere fact that the matter is under consideration of the respondents, ipso facto, is not a ground, much less cogent to nullify the statutory provision of Section 20 of the Act, as urged on behalf of the petitioner. If such application after a delay of 5

years is entertained, then there will be no end to it. Therefore, it is held that the present CP is barred by limitation.

15. In the light of the aforesaid reasons, as there is no merit, the instant CP is not maintainable as barred by limitation and is hereby dismissed, as such. No costs.

(V.N. GAUR)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)

Rakesh