

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

C.P.NO.06 OF 2018
(In OA No. 182 of 2017)

New Delhi, this the 28th day of March, 2018

CORAM:
HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER
AND
HON'BLE MS.PRAVEEN MAHAJAN, ADMINISTRATIVE MEMBER

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1. Smt. Jayati Dutta,
W/o late Sh.Deepankar Dutta,
Aged 51 years,
R/o Flat No.99, F-25,
Sector-3, Rohini West,
New Delhi.
2. Smt. Anita,
w/o late Subodh Kumar,
aged 50 years,
R/o 1, 3644, Ram Nagar,
Galli No.1, Loni,
Shahdara, Delhi-32(Applicants in OA No. 182/17)....Petitioners

(By Advocate: Mr.M.S.Reen)

Vs.

Union of India & others: through

1. Shri R.K.Verma,
Secretary,
Ministry of Railways,
Railway Board,
Rail Bhawan, New Delhi.
2. Shri R.K.Kulshereth,
General Manager,
Northern Railway,
Baroda House, New Delhi.
3. Shri A.K.Singhal,

Divisional Railway Manager,
Northern Railway,
Moradabad Division,
Moradabad (UP) (Respondents in OA No.182/17)...Opp.Parts.

(By Advocate: Mr.V.S.R.Krishna)

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ORDER

Per RAJ VIR SHARMA, MEMBER(J):

This Contempt Petition was filed by the applicant-petitioners on 21.12.2017 for initiation of contempt proceedings against the respondent-opposite parties and for punishing the respondent-opposite parties under the Contempt of Courts Act, 1971. It has been alleged by the applicant-petitioners that the respondent-opposite parties have deliberately and willfully flouted the Tribunal's order dated 23.1.2017 passed in OA No.182/17 by not considering and deciding the applicant-petitioners' representation by a speaking and reasoned order within the period stipulated by the Tribunal in order dated 23.1.2017(*ibid*).

2. In response to the notices issued by the Tribunal in CP, the respondent-opposite parties filed a compliance affidavit on 19.2.2018, stating, *inter alia*, that immediately on receipt of the Tribunal's order, the relevant records were called for and the applicant-petitioners' representation was duly considered, and a reasoned and speaking order was passed by the competent authority on 5.2.2018. The delay in compliance of the Tribunal's order dated 23.1.2017 is attributable to *bona fide* administrative reasons,

like, collecting the necessary records, and ascertaining the pay scales drawn by the husbands of the applicant-petitioners.

3. It has been contended by Mr.M.S.Reen, learned counsel appearing for the applicant-petitioners that the respondent-opposite parties have failed to comply with the Tribunal's order dated 23.1.2017 in letter and spirit inasmuch as arrears of pay and allowances and other benefits have not been granted to the applicant-petitioners, though the applicants in the cases referred to by the Tribunal in the order dated 23.1.2017 have been granted such arrears and other benefits. Therefore, appropriate direction should be issued to the respondent-opposite parties to grant the aforesaid benefits to the applicant-petitioners within a stipulated period.

4. *Per contra*, it has been contended by Mr.V.S.R.Krishna, learned counsel appearing for the respondent-opposite parties that the Tribunal's order dated 23.1.2017 has been duly complied with by the respondent-opposite parties, and that in the CP there is no scope for issuance of any further direction to the respondent-opposite parties in the matter.

5. After having given our thoughtful consideration to the rival contentions, we have found no substance in the contention of Mr.M.S.Reen, learned counsel appearing for the applicant-petitioners.

6. A perusal of the order dated 23.1.2017(ibid) reveals that the Tribunal, without issuing notice to the respondents and without going into merits of the case, disposed of OA No.182/17 directing the respondent-opposite parties to decide the applicants' representations, in the light of the

judgments cited in the said order, by means of a reasoned and speaking order within a period of sixty days from the date of receipt of certified copy of the order. Considering the facts that the respondent-opposite parties were not issued any notices in the OA, and that in the light of the judgments referred to by the Tribunal in its order dated 23.1.2017, the competent authority had to call for the relevant records and to ascertain the pay scales drawn by the husbands of the applicant-petitioners during the period from 1979 to 2006, while considering and taking a decision on the applicant-petitioners' representation, we do not find that the respondent-opposite parties have willfully and deliberately delayed in complying with the Tribunal's order dated 23.1.2017. If at all the applicant-petitioners are not satisfied with the order dated 5.2.2018(ibid) passed by the respondent-opposite and have still some grievance, the applicants are free to challenge the order dated 5.2.2018(ibid) and seek redressal of their grievances by initiating fresh proceedings in accordance with law, but they cannot be allowed to seek any further relief in the present CP beyond the scope of the order dated 23.1.2017 passed in OA No.182/2017. The power vested in the Courts/Tribunals to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts/Tribunals to exercise the same with the greatest of care and caution. This is also necessary as, more often than

not, adjudication of a contempt plea involves a process of self-determination of the sweep meaning and effect of the order in respect of which disobedience is alleged. Courts/Tribunals must not, therefore, travel beyond the four corners of the judgment/order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or willful violation of the same. Courts/Tribunals must also ensure that while considering a contempt plea, the power available to the Tribunals/Courts in other corrective jurisdictions like review or appeal is not trespassed upon. No order or direction supplemental to what has been already expressed should be issued by the Courts/Tribunals while exercising jurisdiction in the domain of the contempt law. In the instant case, the Tribunal's order dated 23.1.2017 (ibid) having substantially been complied with by the respondent-opposite parties, we do not find any merit in the CP.

7. In the light of our above discussions, the CP is dismissed. The notices issued against the respondent-opposite parties are discharged. No costs.

(PRAVEEN MAHAJAN)
ADMINISTRATIVE MEMBER

(RAJ VIR SHARMA)
JUDICIAL MEMBER

