

Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the \_\_\_\_\_ day of \_\_\_\_\_ 2019

Present:

**Hon'ble Mr. Rakesh Sagar Jain, Member (J)**  
**Hon'ble Mohd. Jamshed, Member, (A)**

**Contempt Petition No. 330/52/2018**  
**In**  
**Original Application No. 330/7 OF 1988**  
(U/S 19, Administrative Tribunals Act, 1985)

Samir Das

S/o Late Subodh Chandra Das,

R/o B-22, Aurobind Park, Post Purba Putiary,

Kolkata - 700093.

.....Applicant.

By Advocates – Shri Ajay Rajendra.

**VERSUS**

1. Sajay Kumar Pankaj, Divisional Railway Manager, North Central Railway, Allahabad Division, Allahabad.
2. Amitabh, Divisional Railway Manager, North Central Railway, Allahabad Division, Allahabad.

..... Respondents.

By Advocate : Shri Arun Kumar Gupta

**ORDER**

**Delivered by Hon'ble Mr. Rakesh Sagar Jain :**

1. Applicant Samir Das seeks action against the respondents for committing violation of the Order dated 30.03.2000 passed in O.A. No. 7 of 1988 titled Samir Das v/s The General Manager under the

Contempt of Court Act, 1971. In the said order, all the proceedings and order in the enquiry proceedings against the applicant were set aside and that applicant would be entitled consequential relief. It is the case of applicant in the Writ petition against the order dated 30.03.2000, the Hon'ble High Court was pleased to stay the said order. The writ petition was dismissed by the Hon'ble High Court vide order dated 04.07.2016 for non-prosecution and vacated the interim order. Applicant vide representation dated 15.03.2017 sought his retiral benefits.

2. Preliminary objection has been taken by the respondents that the present application is barred by period of limitation. As per Section 20 of Contempt of Courts Act, 1971 the period for initiation any proceeding for contempt is one year. In this regard, Section 20 of Contempt of Courts Act, 1971 reads as under:

***"20. Limitation for actions for contempt- No Court shall initiate any proceedings for contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed".***

3. We have heard and considered the argument of learned counsels for applicant and respondents and gone through the material on record.
4. It is apparent that there has been a great deal of delay by the applicant in filing the present contempt application which is barred by period of limitation in terms of Section 20 of Contempt of Courts Act, 1971.
5. The Writ petition was dismissed by the Hon'ble High Court vide order dated 04.07.2016 and present Contempt application has been filed

on 26.03.2018. The applicant ought to have filed the contempt application within a period of one year from the date of dismissal of the Writ petition on 04.07.2016 but he has filed the said application after a period of almost one and half year, therefore, clearly hit by delay and laches.

6. Reliance has been placed on Ram Bux Singh v/s Union of India, 2012 (0) Supreme (All) 1451 wherein the Hon'ble High Court held that "In view of the above, looking to the facts and circumstances of the present case, there appears to be no room of doubt that only after 29.3.2012 i.e. after dismissal of writ petition for non-prosecution, the cause of action arose to petitioners to approach the Tribunal and initiate contempt proceeding. In case the petitioners prefer application for enforcement of judgment and order dated 14.9.1998 within the period of one year from 29.3.2012, it shall be well within time on account of pendency of litigation in this Court where, an interim order was passed." The observations of the Hon'ble High Court fully covers the stand of respondents on all fours.
7. Accordingly, we find that there is no good ground to entertain this contempt application, which is highly belated and is dismissed. Notices issued to the respondents are discharged. No order as to costs.

**MOHD. JAMSHED**  
**MEMBER-A**

**(RAKESH SAGAR JAIN)**  
**MEMBER -J**

/Shashi/