

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : GWALIOR

Civil Contempt Petition No.202/00025/2018

(in OA 202/00990/2016)

Gwalior, this Wednesday, the 15th day of May, 2019

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

1. Smt. Deepa Shakya, W/o Late Shri Ghamandi Shakya, Age – 32 years, Occupation – Housewife.
2. Soneram Shakya, S/o Late Shri Ghamandi Shakya Age – 24 years, Occupation – Nil R/o Behind New Tehsil, Kutdhan Road, Sabalgarh, Distt. Morena M.P. **-Petitioners**

(By Advocate – **Shri Abhaydeep Saxena**)

V e r s u s

1. Anupam Shrivastava, Union of India through its Secretary/CMD, Department of Telecommunication, Doordarshan Bhawan, New Delhi – 110003.
2. R.S. Sagar, General Manager (Administration), Bharat Sanchar Nigam Ltd. BSNL Office, A.B. Road Morena – 476001 **-Respondents**

(By Advocate – **Shri Rajendra Bhargava**)

O R D E R (O R A L)

By Navin Tandon, AM.-

This Contempt Petition has been filed for non compliance of our order dated 21.03.2017 passed in Original Application No.202/00990/2016.

2. The operative part of the order reads as under:

“4. Considering a short prayer to direct the respondents to decide pending representation we deem it appropriate to dispose of this petition at this stage with a direction to the

competent authority amongst the respondents to take a view upon the pending representation within a period of eight weeks from the date of receipt of a certified copy of this order by passing a reasoned and speaking order in accordance with law.

5. The order so passed be communicated to the applicant. Disposal of this application may not construe any opinion on the merits of the case.

6. At this stage counsel appearing on behalf of the applicant submitted that he be given liberty to file detailed representation, if need arise and that be ordered to be decided along with that. If the applicant submitted additional representation within a period of 15 days from today then the respondents are directed to decide the same along with the pending representation within two months thereafter.”

3. The respondents have filed their response to the Contempt Petition. In their preliminary submission, they have stated as under:

“2. That, thereafter applicant has not preferred additional representation within 15 days as per order, therefore representation dated 04.05.2018 annexed with OA no.990/2016 has been taken into consideration and decided vide dated 11.05.2017. Copy of letter no.798 dated 11.05.2017 along with postal receipts annexed herewith and marked as Annexure R/1. The petitioner has suppressed it deliberately.

3. That, later on, on 05.08.2017 applicant has preferred additional representation annexure C/3 and it was against the directions given in order annexure A/1. As per direction additional representation was to be filed within 15 days from 21.05.2017 i.e. up to 04.06.2017 but it was sent on by post on 05.08.2018 and much before that annexed representation

with OA no.990/2016 was decided on 11.05.2017 vide Annexure R/1.”

4. Further, in Para 4 of their para-wise reply, the respondents have stated that:

“4. That, contents of this para are not correct, hence denied. It is submitted that order annexure A/1 dated 21-03-2017 has been complied with vide Annexure R/1 dated 11-05-2017 and it was in the knowledge of applicant. Even then applicant has sent a notice dated 05-08-2017 annexure C/3.”

5. The petitioner has filed rejoinder, in which he has made the following submissions:

“5. That, the respondents have filed their return before this Hon’ble Court whereby the respondents have wrongly stated in para 2 of the return that the petitioners have never submitted the additional representation before the concerning department. But the petitioners have already been submitted the additional representation alongwith the relevant documents, and the respondents have rejected the same passing the order (Annexure R/1) which is already annexed with the return. Though the respondents have also stated that departments are unable to give any benefit to the petitioners.

It is also mentioned by the respondents is own reply that petitioners again submitted our representations alongwith with relevant documents for considering the same. A copy of the relevant documents which are submitting by the petitioners before the Hon’ble Court are annexed and marked as Annexure C/6.”

6. Heard both sides.
7. It is seen that the representation filed as Annexure C-3, does not carry any date. However, the receipt of the Speed Post clearly

mentions that it has been dispatched on 05.08.2017, which is clearly beyond the 15 days' period granted to the applicant to file additional representation as per Para 6 of the order dated 21.03.2017. Thus, we find that orders passed by this Tribunal have been duly complied with by the respondents and there is no willful or intentional disobedience on their part.

8. Accordingly, CCP is dismissed. Notices are discharged.

(Ramesh Singh Thakur)
Judicial Member
am/-

(Navin Tandon)
Administrative Member