

**Central Administrative Tribunal
Principal Bench, New Delhi**

R.A. No.35/2019
In
C.P. No.650/2018
O.A. No.1669/2017

Friday, this the 8th day of February 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

The Registrar
Central Administrative Tribunal
Principal Bench, Copernicus Marg
New Delhi – 110 001

..Applicant

Versus

Ravi Kumar
s/o Shri Sewa Ram
r/o Block KG-1, Flat No.543
Vikaspuri, New Delhi – 110 018

..Respondent

(Mr. A S Nambiar, learned Senior Advocate and Mr. P K Manohar, A K Behera, Mr. R V Sinha, Mr. U Srivastava, Mr. Sewa Ram and Mr. C S Walia, Advocates for contemnor)

(Mr. N K Aggarwal, Advocate for Union of India)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

Through an order dated 20.12.2018 in C.P. No.650/2018 in O.A. No.1669/2017, this Tribunal held the applicant herein as guilty of contempt under the relevant provisions of the Contempt of Courts Act, 1971, and imposed the sentence of simple imprisonment for three months. The applicant filed M.A. No.398/2019, stating that he filed W.P. (C) No.13782/2018 before

the Hon'ble Delhi High Court, feeling aggrieved by the order passed in contempt case, tendering apology and expressing remorse. It is stated that the High Court indicated to him to express remorse and apology, if any, before the Tribunal and dismissed the W.P. to pave the way.

2. This R.A. is filed with a prayer to review the order dated 20.12.2018 passed in contempt case. He admitted his unruly and improper conduct, that led to initiation of contempt proceedings and tender unconditional apology. He prayed for remission of the sentence. He has also stated that he withdraws all the derogatory remarks made by him in various proceedings.

3. Mr. A S Nambiar, learned Senior Advocate and Mr. P K Manohar, A K Behera, Mr. R V Sinha, Mr. U Srivastava, Mr. Sewa Ram and Mr. C S Walia, Advocates, advanced the arguments on behalf of the applicant. At the outset, it is stated that the R.A. may be treated as a miscellaneous Application expressing remorse and tendering apology. They contend that the applicant has given scope of initiation of contempt proceedings on account of his ignorance and improper conduct, and that he has undergone a deep sense of remorse and tendered apology for whatever has happened in the Tribunal. They invoke the jurisdiction of this Tribunal under proviso to Section 12 (1) of the Contempt of Courts Act, 1971.

4. It is only when the Court finds that the conduct of the contemnor is totally uncontrollable and detrimental to the functioning of the institution, that the punishment is awarded.

5. Obviously by taking into account, the fact that to *err is human* and there is possibility for everyone to rectify himself, the Parliament added the proviso to Section 12 (1) of the Contempt of Courts Act, 1971. It reads as under:-

“12. Punishment for contempt of court.—

(1) Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both: —(1) Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

Explanation.—An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.”

6. This needs to be understood in the context of there not being any provision for review in a criminal case or in respect of the orders in which the punishment of imprisonment has been ordered. The misconduct, which gave rise to the punishment under Contempt of Courts Act, is not a crime in the society, but the one that disturbed the functioning of the Court. The applicant

is present in the Court and has tendered unconditional apology and has withdrawn all the allegations. Learned counsel appearing in this case have pleaded for mercy so that the future of the applicant and his family are not spoiled. The applicant has expressed his remorse in all possible ways. Not only the language employed by him, but also his conduct in this Court makes us to feel that there is real change in his attitude. We, however, direct deletion of the second sentence in paragraph 8 of the Application.

7. We accordingly allow this R.A. treating it as a miscellaneous Application, referable to the proviso to Section 12 (1) of Contempt of Courts Act, 1971, and discharge the applicant from the punishment that was awarded in the order dated 20.12.2018 in C.P. No.650/2018, subject to the condition that he shall maintain good conduct and proper behavior, vis.-a-vis., the Court in future.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 8, 2019
/sunil/