

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14226 of 2015

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Dharnidhar Jha, S/o Late Keshavlal Jha, resident of village - Hasanpur, P.S. Moffasil Munger, Distt. - Munger at Present residing at C/o Janki Niwas, Mithapur B Area, P.S. Jakkanpur, Distt. - Patna 800001

.... Petitioner

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur
2. Divisional Railway Manager, East Central Railway, Danapur, P.S. Khagaul, Distt. - Patna
3. The Senior Divisional Personal Manager, East Central Railway, Danapur, P.S. Khagaul, Distt. Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Umeshwar Prasad Singh, Advocate.

For the Respondents : Mr. Bijoy Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 24-06-2016

Heard learned counsel for the parties.

2. The challenge in the present writ application is to an order dated 9th of April, 2015 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in CP/050/00048/2015, whereby the Contempt Petition filed by the petitioner was dismissed.

3. The grievance of the petitioner is that the order dated 5th of October, 2007 passed by the Tribunal in O.A. No. 14 of 2006 has not been complied with. The learned Tribunal has recorded a

finding that such order was complied with when Senior Divisional Personnel Manager, East Central Railway, Danapur passed an order on 25th of January, 2008. The Tribunal further found that the contempt proceedings can be initiated within one year of non-fulfilment of the direction whereas; the petition has been filed in the year 2015, which cannot be entertained at this distance of time.

4. We have heard learned counsel for the parties and find no merit in the present petition.

5. There is a categorical finding recorded by the Tribunal that all the directions of the Tribunal stand complied with. Even if there is no compliance, the petitioner could approach the Tribunal only within one year. Having failed to do so, the Contempt Petition was not maintainable and has been rightly dismissed.

6. There is no merit in the writ application, which is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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