

Laxman T. Vs. Som Nath Pandey, General Manager, Ner and Others

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Court : Allahabad

Decided On : Aug-07-2000

Reported in : 2000(4)AWC2800; 2000CriLJ4700

Judge : D.S. Sinha and ;Dev Kant Trivedi, JJ.

Acts : [Contempt of Courts Act, 1971](#) - Sections 20; [Constitution of India](#) - Article 226

Appeal No. : C.M.W.P. No. 15410 of 1997

Appellant : Laxman T.

Respondent : Som Nath Pandey, General Manager, Ner and Others

Advocate for Def. : S.C. and ;Lalji Sinha, Adv.

Advocate for Pet/Ap. : Narendra Kumar, Adv.

Judgement :

D. S. Sinha and Dev Kant Trivcdi, JJ.

1. Heard Sri Narendra Kumar. the learned counsel appearing for the petitioner and Sri Lalji Sinha, the learned counsel appearing for the respondent Nos. 1 and 2.

2. By the impugned order dated December 9. 1996, a copy whereof is Annexure-3 to the writ petition. Central Administrative Tribunal, Allahabad Bench, Allahabad,

the respondent No, 3, has declined to initiate proceedings for contempt in view of Section 20 of the [Contempt of Courts Act, 1971](#).

3. It cannot be gainsaid that initiation of proceedings of contempt is a matter between the Court and the alleged contemner. No one can insist upon the Court to initiate proceedings for contempt against the alleged contemner. Thus, the insistence on the part of the petitioner for initiation of proceedings for contempt against the respondent Nos. 1 and 2 by the respondent No. 3 is misplaced.

4. Section 20 of the [Contempt of Courts Act, 1971](#) clearly prohibits Courts from initiating any proceedings for contempt, either of 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. The respondent No. 3 has clearly found that on the relevant date, one year from the date of the commission of alleged contempt had elapsed.

5. Thus, in the opinion of the Court, the impugned order does not warrant any interference by this Court in exercise of its special and extraordinary jurisdiction under Article 226 of the [Constitution of India](#). The petition lacks merits. It is dismissed summarily.

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