

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP 15/2003 in  
OA 3202/2002

New Delhi this the 5th day of March, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri V.K.Majotra, Member (A)

Ram Darshan,  
S/O late Shri Hari Chand,  
R/O P-348, Sewa Nagar,  
New Delhi-3

(By Advocate Shri S.K.Gupta ) .. Petitioner

VERSUS

1. Shri Sudhir Kumar,  
Superintending Engineer (Elect),  
PWD Electrical Circle-1,  
MSO Building, 8th Floor,  
IP Estate, New Delhi.

2. Shri Chander Mohan,  
Executive Engineer,  
PWD Electrical Divn.No.III,  
J.B.Tito Marg, Andrews Ganj,  
New Delhi.

(By Advocate Ms.Renu George ) .. Respondents

O R D E R (ORAL)

(Hon'ble Shri V.K.Majotra, Member (A)

The applicant had filed OA 3202/2002 challenging the alleged order of reversion dated 28.10.2002 from the post of Barkandaz to the post of Peon. On 9.12.2002, the following orders were passed by the Tribunal.

"Applicant, who has been working since 1996 as Berkandaz has been asked to perform duties of Peon by an order dated 28.10.2002. It is contended that the posts are lying vacant despite this, respondents have resorted to the aforesaid action.

In this view of the matter, issue notice to the respondents both on OA as well as on Interim Relief. List on 20.12.2002.

Till then respondents are directed to maintain status quo as of today in respect of the applicants".

(S)

2. Learned counsel of the petitioner has stated that in the present Contempt proceedings when the aforesaid order was passed in OA on 9.12.2002, the applicant had been working as Barkandaz and direction was issued by the Court to the respondents for maintenance of status quo as of that date. Learned counsel further stated that the applicant had not been relieved from the post of Barkandaz and not assigned the work of Peon anywhere else. In this manner, rather than maintenance of status quo as on that date i.e. 9.12.2002, the respondents have disobeyed the order of the Tribunal.

3. On the other hand, learned counsel of the respondents have stated that vide Annexure A-1 dated 28.10.2002, the petitioner had been informed that he had been appointed as Barrkandaz purely on a temporary basis; he had been told several times orally not to function as Barkandaz and that he was ordered again that he should function as Peon only. Learned counsel draws our attention to Annexure R-2 which is a copy of the Acquittance Rolls Register for the month of November, 2002 in which the petitioner Shri Ram Darshan has been shown to have received his salary on the post of Peon. Learned counsel has shown us Office Order dated 29.11.2002 issued by Executive Engineer (E) PWD, Electrical Division No.III/Respondent 2 whereby the petitioner has been relieved on 29.11.2002 and directed to report on the post of Peon to Delhi Kendriya Parimandel-11 and C.D.O., Nirman Bhawan, New Delhi. Learned counsel has also drawn our attention to the noting thereon that the petitioner had refused to receive these orders.

W

(Q)

3. The only complaint of the petitioner is that he had not received any relieving order as also posting order, therefore, the respondents have committed contempt of Court. It is noted that the applicant had received the so called reversion order dated 28.10.2002 which has been challenged in OA 3202/2002. Copy of the order dated 29.11.2002 has been given to the learned counsel for the applicant in the Court. In view of the documents brought to our notice, we find that no prima-facie case has been made out by the applicant. CP 15/2003 is dismissed. Notices discharged.

V.K.Majotra

( V.K.Majotra )  
Member (A)

Lakshmi Swaminathan

(Smt.Lakshmi Swaminathan)  
Vice Chairman (J)

sk