

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

CP No. 134/96

in

OA No. 2297 of 1995

(S)

New Delhi this the 27th day of August 1996

Hon'ble Shri A.V.Haridasan, Vice-Chairman (J)

Hon'ble Shri R.K.Ahooja, Member (A)

Shri D.V.S. Vaid,
Asstt.Engineer(Civil),
Dept. of Posts, Dak Bhawan,
Parliament Street, New Delhi.

R/O 85, Priya Enclave,
Delhi- 110092.

.....Applicant.

(By Advocate: Sh. D.N.Vohra)

Versus

1. Union of India through the
Secretary,
Ministry of Communication,
Sanchar Bhawan,
Parliament Street,
New Delhi.

2. The Director (BW),
Dept. of Telecom,
Sanchar Bhawan,
20, Ashoka Road,
New Delhi.

3. The Chief Engineer(Civil), Postal
Dept. of Posts,
Dak Bhawan,
Parliament Street,
New Delhi.

4. The Superintending Engineer(Civil), H.Q.
Dept. of Posts,
Ministry of Communications,
Dak Bhawan,
New Delhi.

.....Respondents

(By Advocate: Shri N.S.Mehta)

ORDER(Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman (J)

This Civil Contempt Petition arises out of the order passed in OA No. 2297/95 dated 8-1-96. The order impugned in the original application was the transfer order transferring the applicant during the ^{1/2} mid of the academic session. The Bench felt that the transfer during the

academic session should be given effect only after 31-3-96. It was also directed in that order that if the salary of the petitioner was not paid for two months as alleged it should be paid within a week's time from the date of receipt of the order.

2. Petitioner, alleging that the respondents have violated the directions contained in the order dated 8-1-96, has filed this CCP.

3. The respondents have filed a reply. Ld Counsel for the respondents states that the transfer of the applicant has been given effect only upto 31-3-96. Regarding the payment of 2 months, the respondent's counsel contend that after receipt of the notice in the Contempt Petition, the same has been made to the petitioner by a cheque. Therefore, no action is required to be taken in the Contempt of Courts Act against the respondent. *Pls/s Mr. Counsel.*

4. We have heard Shri Vohra, learned counsel for the Petitioner and Shri N.S.Mehta learned counsel for the respondents. Now it is an admitted fact that the transfer of the applicant has been given effect only after 31-3-96 as directed in the order and that payment of two months salary, mentioned in the order, was not made when the contempt petition was filed, but the same has been paid after receipt of the notice in the contempt petition by the respondents. Learned Counsel for the petitioner states that even after the order was passed by the Bench directing the respondents to give effect to the transfer only after 31-3-96, the applicant was not allowed to join duty which is not accepted by the respondents. Whether the petitioner reported for duty ^{and} or there was a refusal on

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the part of the respondents to allow him to perform duties, are disputed facts which are not to be gone into in a proceedings under the Contempt of Courts Act. If the petitioner's grievance is that even after reporting for duty he was denied to perform duty and, therefore, he was denied salary for the period is unjustify, it is for the petitioner to seek appropriate relief in that regard in a separate proceedings. However we see no reasons why the respondents did not pay to the petitioners two month's pay as directed by the Tribunal within a period of one week from the date of the receipt of a copy of the order. No appeal was filed against the order and the order had become final. The refusal on the part of the respondents to pay salary for two months, within the stipulated period of one week, according to us does not disclose due regard to the orders of the Tribunal. The fact that the petitioner has been driven to the ~~impleadment~~ task of filing a Civil Contempt Petition shows the indifferent attitude of the respondents to orders of the Tribunal. However, in the facts and circumstances of the case ~~the~~ payment has since been made, we do not wish to frame any charge against the respondents and proceed further. We are of the considered view that the respondents will have to be directed to pay to the petitioner a sum of Rs. 500/- as costs. Hence this CCP is closed with a direction to the respondents to pay to the petitioner a sum of Rs. 500/- as costs.

R.K. Ahuja
(R.K. AHOUJA)
Member (A)

(A.V. HARIDASAN)
Vice-Chairman (J)