

Central Administrative Tribunal, Principal Bench

Contempt Petition No.579 of 2001 in
Original Application No.2332 of 2000

New Delhi, this the 15th day of October, 2001

Hon'ble Mr.Justice Ashok Agarwal,Chairman
Hon'ble Mr.Govindan S.Tampi,Member(A)

Shri P.C.Saini
S/o Shri Ram Chander Saini
R/o SH-255A,Shastri Nagar
Ghaziabad-201002 (U.P.)

...Petitioner

(By Advocate: Shri M.K.Gupta)

Versus

1. Shri J.N.L.Srivastava
Secretary
Department of Agriculture & Cooperation
Krishi Bhawan, New Delhi-1

2. Dr.M.R.Motsara
Director
National Biofertilizers Development Centre
Kamla Nehru Nagar,
Ghaziabad-201002

3. Shri G.P.Bhatia
Sr.Administrative Officer
National Biofertilizers Development Centre
Kamla Nehru Nagar,
Ghaziabad-201002

...Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal,Chairman

By an order passed on 16.4.2001, OA
No.2332/2000 was disposed of with the following
observations and directions:

"7. We are, in this case, confronted with a situation which is rather unusual and calls for a prompt remedy even if an exception is required to be made to the general rule laid down in the aforesaid instructions dated 5.8.99 issued by the Deptt. of Expenditure. We accordingly direct the respondent no.3 to take back the applicant by re-appointing him in the vacant post of Asstt. Superintendent with effect from the date of coming into existence of the aforesaid vacancy or November 1,2000, whichever is later. Upon such re-appointment as Asstt.Superintendent, the applicant will be entitled to consequential benefits in accordance with law, rules and the instructions on the subject. We further direct that the applicant be re-appointed as above within

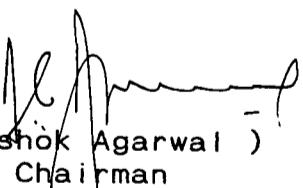
a period of one month from the date of receipt of a copy of this order."

2. Applicant, in terms of the aforesaid directions, has been engaged with respondent no.3. Applicant, in the present petition, alleges that respondent no.2 has not relieved him from ~~their~~ ^{his} office. His joining respondent no.3 would necessarily involve his release from respondent no.2. Respondent no.2 has declined to release the applicant on the ground that after the passing of the aforesaid order of 16.4.2001, ~~they~~ ^{he} has issued a chargesheet against the applicant on 14.5.2001 initiating disciplinary proceedings against him. Aforesaid chargesheet has been duly served upon the applicant on 28.6.2001.

3. In our view, since the aforesaid directions to engage the applicant with respondent no.3 have been duly complied with, no case for taking action for contempt can arise. Denial of releasing the applicant by respondent no.2 is on account of a subsequent event which has taken place, namely, issue of a chargesheet on 14.5.2001. In the circumstances, present contempt petition, we find is misconceived. The same is accordingly dismissed, with liberty.

Govindan S.Tampi)
Member (A)

/dkm/


(Ashok Agarwal)
Chairman