

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **01st** day of **July**, 2020

Present:

Hon'ble Mrs. Justice Vijay Lakshmi, Member-J
Hon'ble Mr. Navin Tandon, Member-A

CIVIL MISC. CONTEMPT PETITION No.330/0029 OF 2020
Arising out of
Original Application No. 330/496 OF 2019

1. Jageshwar Prasad aged about 55 years, Son of Ram Adhar, Resident of P-59/3 Raksha Vihar Colony, Shyam Nagar COD Kanpur Nagar.
.....Petitioner

V E R S U S

1. Prahalad Meena Son of not known the Addl. DGQA(S) Department of Defence Production-DGQA, Hon'ble-Block, New Delhi-110011.
.....Respondent

Advocate for the Applicant:- Shri Anil Kumar Singh.

Advocate for the Respondent:- Shri Raj Pal Singh

ORDER

By Hon'ble Mr. Navin Tandon, Member(A) :

Heard Shri Anil Kumar Singh, Advocate for the petitioner.

2. This contempt petition has been filed by the petitioner submitting therein that the respondent/contemnor has wilfully disobeyed the order passed by this Tribunal on 14.05.2019 in OA No.330/00496/2019 (Annexure-1).

3. The petitioner submits that he was placed in the select panel for promotion to the grade of JTO(S) on 07.01.2019 (Annexure A-1 of the OA). Vide order dated 11.03.2019 (Annexure A-2 of the OA), he was posted at Chennai on promotion. His request to forgo the promotion was not approved by the competent authority, which was communicated vide letter dated 03.05.2019 (Annexure A-3 of OA).

4. The petitioner further submits that he approached this Tribunal in OA No.330/496/2019 wherein this Tribunal on 14.05.2019 (Annexure-1) has passed the following order:-

".....We, therefore, stay the movement of the applicant in pursuance of orders dated 07.01.2019, 11.3.2019 and 03.05.2019....."

5. The respondent department (in the original application) have issued posting/transfer order dated 29.05.2020 (Annexure -3), wherein the petitioner has been posted on promotion to Chennai and the orders are to be implemented by 15.07.2020.

6. The petitioner submits that the stay order granted by this Tribunal in OA No.330/00496/2019 has neither been vacated nor modified, and as such the same is still operative till date. Therefore, by transferring the applicant through another transfer order dated 29.05.2020, especially during the pendency of the aforesaid OA No. 330/00496/2019 before this Tribunal, amounts to circumventing/flouting the order/direction of this Tribunal vide order dated 14.05.2019.

7. Learned counsel for the petitioner vehemently argued that since the stay order granted by the Tribunal is in place he should not have been transferred again, and therefore, he has approached this Tribunal in this Contempt Petition.

8. We have considered the matter.

9. It is seen that the impugned orders dated 07.01.2019, 11.03.2019 and 03.05.2019 (Annexure A-1, A-2, A-3 respectively of the OA) were regarding promotion order for vacancy year 2016-17, 2017-18 and 2018 (up to December 2018). The order dated 14.05.2019 (Annexure -1) by the Tribunal were also for staying the movement of the applicant in pursuance of these orders dated 07.01.2019, 11.3.2019 and 03.05.2019.

10. Further, the promotion order dated 29.05.2020 (Annexure -3 of CP) is for the vacancy year 2020. Therefore, this is a new cause of action. The stay orders granted by the Tribunal were only for the promotion order issued in March, 2019. Accordingly, we do not find that the respondents department has wilfully flouted the order of this Tribunal.

11. Accordingly, the contempt petition is dismissed, being devoid of merit at the admission stage.

(Navin Tandon)
Lakshmi)
Member (A)

(Justice **Vijay**
Member (J)

/Neelam/