

ORAL

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the 2nd of **November**, 2020)

Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)
Hon'ble Mr. Pradeep Kumar, Member (Administrative)

Contempt Petition No.330/20/2020
(Arising of Original application No.330/1246/2019)

1. Shailendra Kumar Tiwari aged about 50 years, son of late Surendra Kumar Tiwari, R/o C/3/25, Gulmohar Vihar, Kanpur – 14.
2. Shri Prakash Dubey aged about 48 years, son of Shri Shivpujan Dubey R/o 91/6 Site No.1, Kidwai Nagar Kanpur – 208011.
3. Hari Krishna Mishra aged about 42 years son of Shri Jai Shankar Mishra R/o 8/496, Gandhi Nagar, Shuklaganj, Unnao – 209861.

..... **Applicants**

By Advocate: Shri Pradeep Kumar Mishra

Versus

1. Shri Vinod Kumar Verma Post Master General, Kanpur Region, Kanpur – 1.
2. Shri Himanshu Kumar Mishra Senior Superintendent of Post Offices, City Division Kanpur Pin Code – 208001.

..... **Respondents**

By Advocate: Shri Praveen Shukla

ORDER

Delivered by Hon'ble Mr. Pradeep Kumar, Member (Administrative)

Shri Pradeep Kumar Mishra, Advocate has appeared for the petitioners. Shri Praveen Shukla, Advocate has appeared for the respondents/contemnors.

2. The applicants, herein, is posted as Postal Assistant at a Post Office located by the side of Kanpur, Head Post Office in the city of Kanpur. The next promotion lies to the post of Lower Subordinate Grade (LSG).
3. Certain orders for promotion to the LSG cadre were issued on 23.07.2019. This promotion order also had a clause that such of the

employees, who are not wanting to go on promotion can give their refusal within a period of 30 days. The applicant, herein, along with several other employees, gave their refusal to go on promotion within this time limit.

4. It was pleaded that such refusal for several other employees, was accepted and promotion order cancelled, but no such cancellation was issued for applicant. Accordingly, the instant OA was preferred.

5. Certain interim directions were passed on 24.12.2019, which reads as under:-

“
Counsel for the applicant submits that O.A. No.874/2018 titled Rajendra Singh Yadav & Ors. Vs. Chief Post Master General UP Circle and the present O.A. are identical in nature and submits that in O.A. No.874 of 2018 the Tribunal was pleased to direct to maintain status quo in respect of the applicant vide order dated 31.08.2019.

In these circumstances, looking to the arguments of the learned counsel for the applicant since Division Bench is not available, list the case before any available Bench. Till then status quo be maintained in respect of the applicant. It may be noted that the interim order granted in O.A. No.874/2018 was also extended by the Division Bench vide order dated 05.09.2018.

.....”

6. The applicants preferred Contempt Petition No. 20 of 2020 alleging non compliance on the part of the respondents for these interim directions.

7. Respondents have brought out that the promotion cum transfer order as originally issued on 23.07.2019, involved change of district in same cases. When refusals were received from such employees, who were transferred from one district to the other, their promotion cum transfer orders were cancelled. As against this, the instant applicant was promoted and transferred to another post office known as Kanpur Nawabganj, which is located at about 5 to 7 Km from the present post

office where the applicant is posted as of now. Accordingly, his transfer order was not cancelled.

8. The respondents have preferred MA No. 898/2020 seeking vacation of interim order dated 24.12.2019. It is brought out that the applicant was on leave as on 24.12.2019 and respondents have not brought out any change in this status and as such there is no case of contempt.

9. When the matter was last heard, it was directed that the OA as well as CP can be listed together on 2.11.2020. However, the applicant pleaded that he is yet to file Rejoinder in the OA and accordingly he sought adjournment in respect of OA.

10. Matter has been heard in respect of contempt petition.

11. The interim orders passed by the Tribunal were to maintain the status quo as on 24.12.2019. The applicant has not been able to bring out anything or any other document or order to indicate that the respondents have brought out any change in that situation.

12. Accordingly, the pleas made by the applicant for the contempt petition are not having any merit. Contempt petition stands dismissed.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

Sushil