

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 12th day of **February** 2021

Contempt Petition No. 331/00020 of 2021
In
Original Application No. 331/00952 of 2019

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Mr. Tarun Shridhar, Member (A)

Baldev Singh, S/o late Gobardhan, R/o Village and Post Rudrapur, District Dehradun.

...Petitioner

By Adv: Shri Satyawan Shahi

V E R S U S

1. Sri Satendra Prakash, Director General, Bureau of Out Reach & Communication, Government of India, 5th Floor, Suchana Bhawan, Lodhi Road, New Delhi – 110003.
2. Sri Narendra Kumar Kaushal, Additional Director General, Government of India, Regional outreach Bureau 0-123 Vasant Vihar, Dehradun – 248006.
3. Sri Anurag Jain, Joint Director General, Bureau of Out Reach & Communication, Government of India, 5th Floor, Suchana Bhawan, Lodhi Road, New Delhi – 110003.

...Respondents

By Adv:

O R D E R

By Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

It is a fresh contempt petition.

2. We have heard learned counsel for the petitioner and have perused the record.
3. The petitioner was appointed as Lower Division Clerk in the year 1993. He was posted at Dehradun in the year 1998. He continued to work at Dehradun for more than 19 years and on 06.10.2017, he was transferred to Ahmedabad. He joined at Ahmedabad on 23.11.2017 and moved a representation for transferring him back to Dehradun on the

ground that his wife was working in Education Department at Dehradun and his children were studying there. On his request, he was transferred back to Dehradun on 12.03.2018. He immediately joined at Dehradun. However, vide order dated 26.12.2018, the petitioner was again transferred from Dehradun to Bhopal.

4. Being aggrieved, the petitioner filed OA No. 952 of 2019 before this Tribunal, challenging the transfer order dated 26.12.2018 on the ground that no reasons were disclosed, as to what were the administrative exigencies, warranting his immediate transfer from Dehradun to Bhopal. The aforesaid OA was decided by this Tribunal vide order dated 29.12.2020. It is for non-compliance of this order that the petitioner has filed the instant contempt petition with the prayer to summon the respondents personally for disobeying and flouting the order dated 29.12.2020 passed by this Tribunal.

5. Before issuing notice to the respondents for flouting the aforesaid order dated 29.12.2020, it appears expedient to have a glance on the operative portion of the aforesaid order dated 29.12.2020, which is quoted below:-

“21. In Sabhapati Pathak (supra), Hon’ble High Court of Allahabad has held as under:

“10. However, it is made clear that since three years have passed, this order shall not preclude the respondents from passing a fresh order as and when the circumstances required in accordance with law since it cannot be said that the petitioner has any vested right to continue at a particular place according to his own choice but privilege is that of competent transferring authority to pass appropriate authority in accordance with law in his own wisdom.”

22. Considering the ratio decidendi of Sabhapati Pathak (supra), we also direct that this order shall not preclude the respondents from passing a fresh order as and when the circumstances require in accordance with law.

23. Accordingly, the OA is partly allowed in above terms. No costs.”

6. Thus, it is clearly apparent that the OA No. 952 of 2019 was decided on the basis of ratio decidendi of Sabhapati Pathak’s case, the relevant paragraph of which, is also quoted in paragraph 21 of the

judgment dated 29.12.2020 passed in OA. It has been clearly observed by this Tribunal in paragraph 22 of the judgment dated 29.12.2020 that ***"this order shall not preclude the respondents from passing a fresh order as and when the circumstances require in accordance with law."***

7. As this Tribunal had not restricted the respondents from passing a fresh order and in the Sabhapati Pathak's case it has been clearly mentioned that ***"it cannot be said that the petitioner has any vested right to continue at a particular place according to his own choice but privilege is that of competent transferring authority to pass appropriate authority in accordance with law in his own wisdom"***, we are of the firm view, that no contempt is made out in this matter. Accordingly, the instant contempt petition is liable to be dismissed at the admission stage itself and is accordingly dismissed.

No costs.

(**Tarun Shridhar**)
Member (A)

(**Justice Vijay Lakshmi**)
Member (J)

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