

(36)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH, DELHI.

CONTEMPT OF COURT PETITION NO.19 OF 1988.

DATE OF DECISION: 1-9-1989

Shri J.C.Bhutani.

.. Applicant.

Vs.

Union of India and others.

.. Respondents.

For the applicant. -

Shri S.C.Luthra, Counsel.

For the respondents. -

Shriyuths K.C.Mittal  
& B.S.Gupta, Counsel.

CORAM: Hon'ble Mr.P.Srinivasan, Member(A),  
Hon'ble Mr.T.S.Oberoi, Member(J).

(Order of the Bench delivered by Hon'ble  
Mr.P.Srinivasan, Member(A))

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O R D E R

In this petition, the applicant in O.A.No.84 of 1988 complains that the respondents therein have committed contempt of this Tribunal by disobeying the order passed by it on 19-1-1988 while admitting the application.

2. When the matter came up for hearing on 27-7-1989 the counsel for both sides were present. The counsel for the applicant submitted that the petition may be decided on the basis of the averments and the pleadings of the parties.

3. On 19-1-1988, while admitting the aforesaid application, this Tribunal ordered as follows:

"Issue notice to respondents on interim relief returnable on 1-2-1988. Till then status quo as of to-day be maintained. Issue dasti."

The applicant avers that he got the order served on the respondents on 20-1-1988 and obtained a receipt therefor. In spite of that the respondents had passed an order on 20-1-1988 disturbing the status

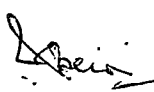
*P. Srinivasan*

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quo and promoting 5 persons as office Superintendents on regular basis.

4. The respondents in their reply urged that before the aforesaid order of the Tribunal was served on them, the said office order had been passed and the persons named therein had also taken charge of their respective posts. It is submitted on behalf of the respondents that they had no intention of flouting the orders of this Tribunal. Since the impugned orders were passed when the respondents who had not aware of the order passed by this Tribunal, they were not guilty of contempt.

5. After hearing counsel for both sides, we see no reason to disbelieve the statement made in the reply of the respondents that the orders of promotion were passed before the interim order of this Tribunal was served on them. In view of this, we hold that the respondents are not guilty of contempt of this Tribunal. The notice of contempt is, therefore, discharged and the petition dismissed.

  
(T.S.OBEROI) 1.9.89  
MEMBER(J)

  
(P.SRINIVASAN)  
MEMBER(A)