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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CCP No. 7/90 in OA No. 2300 of 1989

Date of decision: 3.1.90

Lal Singh Meena

Petitioner

vs.

Yoginder Sharma, Sr. DCS, C.R., Jhansi.

Respondent

PRESENT:

None for the petitioner.

Shri M.L. Verma, counsel for the respondents.

The petitioner by this C.C.P. prays for initiation of the contempt proceedings against the respondents for having disobeyed the orders passed by this court on 22.12.89 by a Single Member Bench of this Tribunal in OA 2300/89.

2. The petitioner was working as a Head Clerk in the Office of the Sr. Divisional Superintendent, Jhansi, from where he was directed to be transferred to the office of the Chief Commercial Superintendent, Bombay V.T., by order dated 16.8.89. The learned Single Member passed the following orders:

"In the meanwhile, if the applicant has not already been relieved for transfer, he may not be relieved till 16.1.90."

This order was passed on 22.12.89. The petitioner contends that he was on medical leave; that he has not received any relieving orders; and when on 28th December, 1989, he was declared medically fit, then he approached the respondents alongwith said order of the Tribunal and an application to allow the petitioner to join his duties and the respondents refused. Hence, the respondents have disobeyed the orders of this court.

3. On notice, the respondents appeared through counsel, Shri M.L. Verma, and filed their reply. According to them, the petitioner is guilty of suppressing the facts and obtaining ex parte ad interim order. According to them, the petitioner had already been struck off on transfer with effect from 3.10.89 and he was relieved from the office on 4.10.89. Thereupon, the applicant feigned his illness and obtained the leave and filed the O.A. and by suppressing the facts,

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obtained an ex-parte ad interim order. They further contend that the transfer order was passed on 16.8.89 for his transfer from Jhansi to Bombay V.T.

4. The petitioner has not filed any rejoinder to this reply filed by the alleged contemner and the statement of the respondents stands uncontroverted. It appears that after he was relieved from office on 4.10.89, he filed the O.A. and on 22.12.89, obtained this ex-parte interim order. The respondents cannot be said to have wilfully disobeyed the orders of this court because the order passed itself contains the words that "if the applicant has not already been relieved for transfer", it is only then that the interim order shall be effective. As this interim order was passed on 22.12.89 and as the petitioner was relieved on 4.10.89, hence the respondents cannot be said to have wilfully disobeyed any orders of this court. This contempt petition has no force. It is, therefore, dismissed with costs on the petitioner. The petitioner shall pay a cost of Rs. 300/- to the respondents as cost of the C.C.P.

C.C.P. 31/92
(P.C. JAIN)

MEMBER (A)

Ram Pal Singh 3.1.92
(RAM PAL SINGH)

VICE-CHAIRMAN (J)