

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

21

C.C.P. NO. 154/91 in
O.A. NO. 439/91

DECIDED ON : 04.03.1992

Dr. Pawan Kumar

... Petitioner

Vs.

Shri S. M. Vaish, General
Manager and another

... Respondents

CORAM

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P. C. JAIN, MEMBER (A)

Shri H. K. Gangwani, Counsel present for
the Respondents

O R D E R (ORAL)

(Hon'ble Mr. Justice V. S. Malimath, Chairman) :

Neither the petitioner nor his counsel was present. Shri R. P. Singh, who says that he is father-in-law of the petitioner, asked us to keep the case by saying that he is bringing his counsel. Later he came and reported that he has not been able to contact his lawyer and that the matter may be taken up on some other day. We do not consider it necessary to adjourn these proceedings in these circumstances.

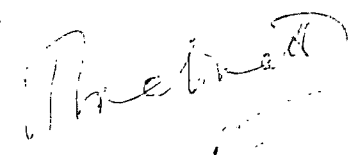
2. We have perused the petition and heard the learned counsel for the respondents. The complaint in this case is that the interim order made in OA-439/91 on 6.3.1991 has been violated. In the O.A. what has been challenged by the petitioner is his transfer from Ghaziabad to Kapurthala made by order dated 29.1.1991. The interim order made on 6.3.1991 says that if the impugned order



has not already been implemented, the same shall not be implemented. The question for consideration, therefore, is as to whether before the interim order came to be made on 6.3.1991, the order of transfer dated 29.1.1991 had already been given effect to or not. In the counter affidavit filed in this case, it is stated that the petitioner was relieved on 2.2.1991. Annexure A-5 is the order dated 2.2.1991 made by the G.M.O. in charge, Ghaziabad to the effect that the petitioner was Relieved on the forenoon of 2.2.1991 and that Dr. B. G. Dalela, D.M.O. has assumed charge in place of the petitioner. It is further stated that all the official work including issuance of sick and fitness certificates by Dr. Dalela is legal and done by Dr. Pawan Kumar after 2.2.1991 should not be treated as legal. This order has been filed by the petitioner himself along with the rejoinder in the main O.A.

3. From these materials, it is clear that by the time the interim order was granted on 6.3.1991, the order of transfer had been given effect to in the sense that the petitioner had been relieved at Ghaziabad and Dr. Dalela had assumed charge in his place on 2.2.1991. We have also further information that the petitioner has since reported for duty at the place of transfer, i.e., Kapurthala. Copy of the order of the G.M.O., Rail Coach Factory, Kapurthala dated 5.3.1991 to this effect was shown to us during the course of the arguments. In these circumstances, there is no good ground for taking action under the Contempt of Courts Act. These proceedings are accordingly dropped. No costs.

Clerk
(P. C. JAIN)
MEMBER (A)


(V. S. MALIMATH)
CHAIRMAN