

89

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

CCP NO. 396/1992 IN
O.A. NO. 1047/1992

New Delhi this the 12th day of May, 1995

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

1. Shri N. K. Kakkar S/o Nauria Ram,
R/o B-8, South Moti Bagh, New Delhi,
Joint Assistant Director,
Intelligence Bureau, Ministry of
Home Affairs, North Block,
New Delhi.

2. Ram Chandra Jha S/o Kedar Nath Jha,
Joint Assistant Director,
Intelligence Bureau, Ministry of
Home Affairs, Patna.

... Applicants

Versus

1. Shri Madhav Godbole,
Secretary, Ministry of
Home Affairs, North Block,
New Delhi.

2. Shri V. G. Vaidya, Director,
Intelligence Bureau,
Govt. of India, North Block,
New Delhi.

3. Shri Himanshu Kumar,
Joint Director,
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
6, Serpentine Road,
Patna (Bihar).

... Respondents

(Applicants through Shri B. B. Raval, Adv.
Respondents through Shri N. S. Mehta, Sr. Standing
Counsel)

O R D E R (ORAL)

Shri Justice S. C. Mathur -

The applicants allege disobedience by the respondents of the Tribunal's interim order dated 20.4.1992 passed in O.A. No. 1047/92.

2. The aforesaid O.A. had been filed against an order of reversion from higher post to lower post. The order of reversion was passed on 27.3.1992 and it was made operative

2

from 4.1.1992. The order was passed in respect of nine officers. The Tribunal stayed the operation of the order on 20.4.1992. Despite the interim order, Shri R. C. Jha was reverted by order dated 12.5.1992 and his salary was also re-fixed. Shri Jha, at the relevant time, was posted at Patna and the order of reversion was issued by Shri Himanshu Kumar, Joint Director, Patna, who has been impleaded as respondent No.3.

3. In reply to the notice issued by the Tribunal, it has been stated that the Delhi office omitted to communicate the interim order to the Patna office and it is in this circumstance that the order dated 12.5.1992 came to be passed in implementation of the reversion order dated 27.3.1992. It is not disputed by the learned counsel for the applicants that the order of reversion dated 12.5.1992 has now been recalled and Shri R. C. Jha has been re-promoted and given the monetary benefits.

4. The learned counsel for the applicant, however, submitted that the plea advanced on behalf of the respondents that the order of the Tribunal was not communicated to the Patna office is not believable as in the present day there are fast modes of communication available. It is not the case of the respondents that the order could not be communicated to the Patna office on account of lack of mode of communication. Their plea is that the order was not communicated as Patna office had not been directly impleaded. That view of course cannot be supported. Once an officer of the Patna office was also involved in the reversion order dated 27.3.1992, it was obligatory on the part of the Delhi office to communicate the interim order to Patna Office also.

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5. However, the purpose of a civil contempt proceeding is to obtain obedience to the order. The obedience has now been admittedly obtained.

6. The applicants allege disobedience in respect of applicant No.1, N. K. Kakkar also. With regard to Shri Kakkar, relevant averments have been made in paragraphs 3.1 to 3.5. All that is stated in these paragraphs is that he has been stripped of the duties which he was performing as Joint Assistant Director and his name was removed from the telephone directory of the Bureau. It is the discretion of the administrative authority to take work from an officer or not to take work from him. However, once an order reverting him from a higher post to a lower post has been passed, the officer cannot be deprived of the salary of the higher post and of the status of the higher post. It is not the case of the applicants that any order has been passed reverting Shri Kakkar from the post of Joint Assistant Director to a lower post. So far as the telephone directory matter is concerned, it is not the case of the applicant that the telephone itself has been removed from his residence. All that is stated is that his name has been removed from the telephone directory of the Department. That does not amount to lowering the status of Shri Kakkar. Accordingly we are of the opinion that on the basis of the facts alleged by the applicants it cannot be said that the respondents have disobeyed the order of the Tribunal in respect of Shri Kakkar.

7. In view of the above, the application is consigned to record and the notice issued is discharged. No costs.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

S. C. Mathur

(S. C. Mathur)
Chairman

/as/