

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Dated : Allahabad this the 2nd day of May, 1996.

CORAM : Hon. Mr. T. L. Verma, Member-J
Hon. Mr. D. S. Baweja, Member-A

CIVIL MISC. CONTEMPT PETITION NO. 4 of 1996.

Kali Charan S/o. Sri Bahgwan Das,
Senior Technician, AIR GFT, Aligarh
R/o. III/27, Radio Colony, Aligarh....petitioner.
(THROUGH ADVOCATE SHRI M.A.SIDDIQUI)
Versus

1. Sri Bachan Lal, Supdt. Engineer.
H.P.T. All India, Radio, Aligarh.
2. Sri Vigyan Prakash,
Chief Engineer(North Zone),
Akaswani & Doordarshan,
Jam Nagar HOUse, Shahajahan Road,
New Delhi.

.....Respondents.

in

ORIGINAL APPLICATION NO. 1037 of 1995.

Kali Charan applicant.
Versus

The Union of India and others....Respondents.

O _ R _ D _ E _ R (Oral)

(By Hon'ble Mr. T. L. Verma, Member-J)

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This application has been filed for alleged
breach of the interim direction issued by this Tribunal
in O.A. No. 1037 of 1995 by order dated 13.10.1995.

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2. The O.A.No. 1037 of 1995 ^{was} ~~was~~ ~~been~~ filed by the applicant challenging his transfer from Aligarh to Bikaner. While admitting the aforesaid application, interim direction to maintain status-quo in respect of the applicant was issued. The grievance of the petitioner is that despite the aforesaid order served on the respondents, the petitioner has not been allowed to join the post from which he was transferred. ~~and~~ ^{have} the respondents, therefore, it is stated, ~~has~~ committed breach of the direction of the Court and ~~have~~ thereby committed contempt of Court.

3. The relevant portion of the order dated 13.10.1995 said to be the cause of action of this contempt petition reads as follows :-

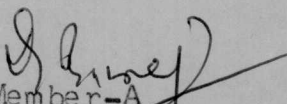
"Admit. Issue notice to the respondents to file counter reply within 4 weeks. R. A., if any, may be filed within 2 weeks thereafter. Learned counsel for the applicant has sought an interim order, staying the operation of the impugned order dated 22.9.95. The order appears to have ~~been~~ taken effect from the date of issuance of the same. Shri A. Sthalekar, Additional Standing Counsel takes notice of This case, He is directed to file objection, if any, to the prayer of interim order, within two weeks. The prayer shall be taken up for orders on 30.10.95.

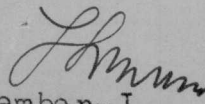
Meanwhile the status quo in respect of the applicant be maintained. Copy of the order alongwith copy of the application meant for the respondents be given to Shri A. Sthalekar today."

It has been observed in the order extracted of transfer above that the order/appears to have taken effect from the date of issue of the same. This observation finds support from Annexure-C.P.-2. Annexure-C.P.-2 is ~~the~~ application ^{submitted} ~~given~~ by the petitioner to the Superintending Engineer, High Power Transmission, Akaswani, Aligarh. In the said application, it has been stated that in view of the stay order granted by Central Administrative Tribunal, the petitioner may be allowed to join the duty. The ~~tenor of the~~ language used in Annexure-C.P.2 ~~clearly goes~~ to suggest that the petitioner had ~~already~~ been relieved of the post on the date, ~~order~~ for maintaining status quo was passed. The implication of the interim order, in our opinion, is ~~very clear~~ that the applicant may not be relieved of the post, if he has not already been relieved on the date, the order granting status quo was passed.

4. In the facts and circumstances mentioned above, it is ~~absolutely~~ clear that the applicant was not holding the post on the date, the interim order was passed and as such refusal by the respondents to permit the petitioner to join ^{on} ~~the~~ post from which he was transferred and relieved cannot, by any stretch of imagination, ~~be~~ ^{to} be said to be violation of the order/maintain~~ing~~ status-quo.

5. In view of the above, we find no merit in this contempt petition and dismiss the same in limine. Parties to bear their own costs.


Member-A


Member-J

Dt. Allahabad May 2nd, 1996.