

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 29th day of October, 1996
Contempt Application No. 63 of 1996

IN

Original Application No. 1086 of 1995

District : Allahabad

CORAM:-

Hon'ble Mr. S. Das Gupta, A.M

Hon'ble Mr. T. L. Verma, J.M.

Rajendra Prasad Yadav

Son of Shri Ram Sajwan Yadav

Village Biharia, Lalgopalganj,

Distt-Allahabad.

(By Sri ABL Srivastava, Advocate)

... • petitioner

Versus

1. Shri Ganesh Behari Tripathi
provisional EDDA/MC Branch Post Office
Bihariya (BQ-Lalgopalganj)
Distt-Allahabad

2. Shri G. N. Tripathi
Sub Divisional Inspector (Post)
North Sub Division
Head Post Office-Allahabad.

3. Shri G. P. Mishra
Sub-Divisional Inspector (Post)
Northe Sub-Division
Allahabad.

4. Shri Onkar Nath Tripathi
Sub-Post Master, Lalgopalganj.
Allahabad.

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5. Shri Mohd. Muslim Faruqi
Branch Post Master
Biharia (Account Lalgopalganj Sub-Post Office)
Distt-Allahabad.

Respondents

ORDER (Oral)

By Hon'ble Mr. S. Das Gupta, A.M.

This contempt application has been filed under Section 17 of the Administrative Tribunals Act, 1985, alleging non-compliance with a modified interim order passed by a Bench of this Hon'ble Tribunal dated 9-4-1996.

2. The applicant in this present contempt application is respondent no. 4 in the OA No. 1086/1995. That OA was filed by Sri Ganesh Behari Tripathi challenging the order by which his services were terminated. An interim order was passed at the admission stage directing the respondents to maintain the status quo in respect of the applicant. Subsequently, by an order dated 11-4-1996, the aforesaid interim order was modified and by the modified order it was provided that there would be no bar in finalising the regular appointment which is under process and necessary order may be issued for the selected candidate.

3. The applicant in the contempt application subsequently got himself impleaded as respondent no. 4 in the OA. He has now alleged that there has been a violation of the interim order passed on 11-4-1996, inasmuch as, though he was regularly appointed on the post of EDDA but he was being denied of the post and that subsequently he was given the charge of the post but respondent no. 4 has

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been handing over the Dak to Sri Ganesh Behari Tripathi ~~for~~ for delivery. It would be clear from the operative portion of the ~~operative portion~~ of the interim order dated 11-4-1996 that the respondents were permitted to finalise the regular appointment and also pass necessary order for the selected candidates. However, this order did not in any way compelled the respondents to make regular appointment. Therefore, even if the respondents have not appointed the respondent no. 4 in OA No. 1006/1995 taking advantage of the ~~promotion~~ ^{Liberty} granted to them, it can hardly be said that there was any violation of the Tribunal's order. The averment in the CCA is that the respondents have made the regular appointment and the regular appointee has even been given the charge of the post. We, therefore, see no contravention of the Tribunal's order whatsoever. The contempt application is totally misconceived and is, therefore, dismissed accordingly. ~~The notice issued is discharged and the contempt proceedings are dropped.~~

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Member (J)

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Member (A)

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