

Reserved.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH, ALLAHABAD.

Dated Allahabad On this 18 day of December, 96.

CORAM: Hon'ble Mr. S. Das Gupta. AM.  
Hon'ble Mr. T. L. Verma. JM.

Contempt petition No: 90 of 1996.

in

Original Application NO: 520 of 1996.

Inspector Sri Kare Deensingh,  
Son of Srisher Bahadur Singh,  
Resident of Triveni Nagar,  
Meerapur Cantt Kanpur Nagar.

.. Applicant.

C/A: Sri Tej Pal.

Vs.

Sri B. P. Singh, Additional Director-  
General, and Inspector General  
(Railways) State of U.P.

.. Respondents.

C/R: ...

ORDER:

(By Hon'ble Mr. S. Das Gupta. AM.)

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This contempt application has been filed by Sri Kare Deen Singh, Inspector of Railway Police alleging that the respondent Sri B.P.Singh, Additional Director General and Inspector General (Railway Police) has directed that the order dated 15.7.96 issued by Sri D.K.Panda, to be ineffective which is inviolation of the interim order passed by this Tribunal in O.A.No:520/96.

2. It has been stated in the contempt application that one Sri D.K.Panda, Inspector General Railways had filed the aforesaid O.A.NO: 520/96 challenging the Order passed by the present respondent stripping Sri panda, of his powers. When the aforesaid case came up for admission an interim order was passed staying the operation of the order passed by the respondent. Subsequently, respondent had issued a D.O.letter directing Sri Panda, to submit all the files for his approval before taking any action. This direction was also stayed by this Tribunal by a subsequent order.

3. The applicant has further stated that he was earlier placed under suspension while as Inspector (Railway Police) at Kanpur and was attached to P.H.Q, Allahabad during suspension. Subsequently, respondent passed an order dated 10.6.1996 thereby posting one Sri Dharmendra Singh, Inspector Incharge, G.R.P. P.S,Allahabad as Incharge Inspector,GRP,Kanpur and one Sri Hari Shanker Dubey to GRP, Allahabad. The applicant had preferred a Writ petition before the High Court Of Judicature At Allahabad and the same is sub judice. Later on 15.7.1996, Sri D.K.Panda,-

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passed an order reinstating the applicant with effect from the initial date of suspension and also transferred Sri Dharmendra Singh, from GRP, P.S. Kanpur to G.R.P. Police station, Varanasi and posted the applicant in his place. The applicant reached Kanpur to assume charge, but the Inspector Sri Dharmendra Singh, did not comply with the orders of his posting passed by Sri D.K. Panda, and consequently place him under suspension. It is alleged that thereafter, the respondent passed an order dated 29.1.1996 stating that the order passed by Sri D.K. Panda, was without obtaining his approval and was not in accordance with the prescribed procedure. This action on the part of the respondent, it is alleged, constitutes Contempt of Court in as much as, the Tribunal has already restrained respondent from stripping off the powers of Sri D.K. Panda.

4. We have heard the learned counsel for the applicant when the case came up for hearing. We noted that the issue regarding the applicant's suspension and transfer is a subject matter of the Writ petition before the High court of Judicature At Allahabad. Moreover, the order which the respondents are stated to have passed cannot be considered prima-facie being in violation of the Tribunal's interim order. After all, the respondent is administratively superior to Sri D.K. Panda. Therefore, he is in a position to review any orders passed by Sri D.K. Panda, unless it is shown that Sri D.K. Panda, has passed an order by virtue of his -

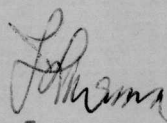
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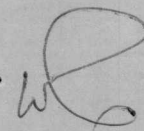
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inherent powers and such orders are not subject to review even by the superior authority.

5. Sri D.K.Panda, has already filed a Contempt petition alleging contravention of the interim orders passed by a bench of this Tribunal by the present respondent. This application is subjudice. We, therefore, see no reasons for taking any cognizance of the present application which has been filed by a person who is in any case, not amenable to our jurisdiction, but rather comes under the jurisdiction of the High Court of Judicature At Allahabad.

The Contempt Application is accordingly dismissed.

  
J.M

  
AM.

RC/