

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
C.C. No: 20 of 1997.
in
O.A. No./XXX. No. 12 of 1997,

Date of decision

21/12/98

Mahabir Prasad.

Applicant(s)

C/A Sri S.K. Misra and Sri S.K. Dave.

COUNSEL for the
Applicant(s)

Versus

Sri. Sanjay Kumar Jamuhar.

Respondent(s)

Sri A. V. Srivastava.

Counsel for the
Respondent(s)

COURT

Hon'ble Mr. S. Dayal, A.M.

VIC./Member()

Hon'ble Mr. S.K. Agrawal, JM.

Member ()

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not ?
3. Whether their Lordship wish to see the fair copy of the judgment ?
4. Whether to be circulated to all Benches ?


(SIGNATURE)

MANISH/

12
Reserved.

CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH,
ALLAHABAD.

ALLAHABAD The 21st December, 1998.

Contempt Case No: 20 of 1997.

in

Original application No: 12 of 1997.

CORAM: Hon'ble Mr.S. Dayal, J.M.,
Hon'ble Mr.S.K. Agrawal, J.M.

Mahabir Prasad ^{SON} of Sri Pachkauri
Sao, Head Trolleyman U/sr.DOM,
Eastern Railway, Moghulsarai,
district: Varanasi.

(C/A Sri S.K. Misra and SK. Deve)

Versus: ... Applicant.

Sri Sanjai Kumar Jamuhar,
Senior Divisional Operating Manager,
Eastern Railway, Varanasi.

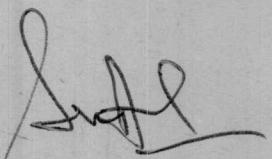
(C/R Sri A.V. Srivastava.)

... Respondents

ORDER:

Hon'ble Mr.S.K. Agarwal, J.M.,

This application under Section 17 of the Administrative Tribunal Act, 1985 arising out of the Order passed in O. A. No: 12/97 with the averments that in O.A. No: 12/97, the applicant had challenged the impugned order of transfer dated 24.12.1996 transferring the applicant from Moghalsara-i to Sealdah and this Tribunal vide its' Order dated 13.1.1997 granted interim order to maintain the status-quo. Copy of this order was given to the Opposite party ^{on duty} on 15.1.1997 by the applicant was neither allowed nor ^{he} was paid salary for the month of January, 97. It is stated that the alleged Contemner be punished for Contempt accordingly.


Show cause was filed against the alleged Contemner. It is admitted that the Petitioner filed O.A. No 12/97 challenging the impugned order of transfer dated 24.12.1996 on which, this Tribunal issued the following order:-

" Meanwhile respondents are directed to maintain status-quo as on date. "

It is stated that the applicant mis-quoted this Tribunal's Order dated 13.1.1997 before the Opposite party

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as well as, before this Tribunal. The Applicant was already spared on 26.12.1996 to join a new place of posting. Applicant was given spare Memo in the presence of the witnesses, therefore, the Opposite party directly obeyed the interim order by maintaining status-quo as on date.

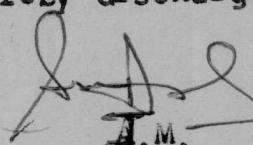
Rejoinder was filed which is on record.

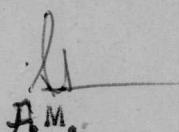
Heard the Learned Lawyer before the parties and perused the whole record.

^{orderz Contemptz}
Disobedience of the court constitutes only when it is wilfully or deliberate. It is the duty of the petitioner to prove that the action of the alleged contemner to disobey the order of the court was intentional. In this case, petitioner failed to establish the fact that the alleged contemner in any way disobeyed the interim order dated 13.1.1997 issued by this Tribunal whereas, it appears that this application is mis-conceived.

-ed.

In such circumstances, this Contempt Petition fails as no case of Contempt is made out against the alleged Contemper, therefore, this Contempt petition is dismissed and notice issued earlier against the alleged contemner is hereby discharged. No order as to cost.


D.M.


A.M.

Rcs/