

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 10th day of April, 2001.

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC
Hon'ble Mr. S. Dayal, A.M.

Civil Misc. Contempt Petition No.91 of 1998

In

Original Application No.316 of 1998

Sita Ram Dewedi,
s/o Sri Krishna Dewedi,
r/o 117/147 K. Block Geeta Nagar,
Kanpur Nagar.
(By Advocate: Sri P.C. Jhingan). . . . Applicant.

Versus

1. Shri H.L. Aswal, Joint Director General
of Foreign Trade, Kanpur,
117-L 444 Kaka Deo Kanpur Nagar.
2. Shri Surat Singh, Joint Director
of Foreign Trade, 117/L-444 Kaka Deo,
Kanpur Nagar.

. Respondents

(By Advocate Sri A. Mohiley)

O R D E R (ORAL)

(By Hon'ble Mr. Justice R.R.K. Trivedi, VC)

This Contempt Application has been filed,
alleging wilful disobedience of the interim order
dated 23rd April, 1998, passed in OA No.316 of 1998.
In the aforesaid O.A., the applicant had challenged
the order of transfer dated 26th February, 1998,
by which he was transferred from Kanpur to Varanasi.
In the office of Joint Director General of Foreign

Contd..2

Trade, it is not disputed that the applicant was posted at Varanasi and his service was given on loan to ^{Office at Kanpur} ~~Varanasi~~. The applicant filed this O.A. on 23rd April, 1998, i.e. after about two months. The contention of the respondents is that the applicant was relieved on 26th February, 1998 itself. Sri P.C. Jhingan, counsel for the applicant, on the other hand, submitted that the order of transfer was not served on the applicant, which is evident from the postal remarks given on the envelope, in which the order of transfer was despatched to his address for service. The learned counsel has further submitted that the applicant continued at Kanpur. Kanpur.


2. We have carefully considered submissions of the counsel for the parties.


3. The order of status quo operates against both the parties. If the applicant was continuing at Kanpur, it could protect him. If he was relieved on the date of order of transfer, it could operate against him. The postal remarks is of 3rd March, 1998. From the record, it is clear that the applicant had knowledge of the order of transfer. There is no material on record on which basis it may be inferred that the applicant actually worked at Kanpur. ^{He has not} signed the Attendance Register and ^{he} was paid salary. In the absence of such facts, it is difficult to accept the contention of the applicant that he was working at Kanpur.

Contd..3

3.

4. In these circumstances of the case, we do not find that any case of contempt has been made out. Hence, the Contempt Application is rejected. No order as to costs. Notices are discharged.


(S. DAYAL)
MEMBER (A)


(R.R.K. TRIVEDI)
VICE- CHAIRMAN

Nath/