

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 9th day of December 1998.

Contempt Application no. 58 of 1998

in

Original Application no. 640 of 1998.

Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. S.L. Jain, Judicial Member

V.D. Bhaskar son of late Sri L.L. Bhaskar, resident of Traffic Railway Colony, House No. 634, Smith Road, Allahabad. Presently post as Lab. Superintendent, N.R. Divisional Hospital, Allahabad.

... Applicant.

C/A Sri S.C. Kushwaha, Advocate.

Versus

1. Dr. Smt. P.L. Verma, C.M.S. N.R. Hospital, Allahabad.
2. Dr. B.L. Singh, Sr. D.M.O. Pathology, N.R. Hospital, Allahabad.

... Respondents.

C/R Sri S.K. Jaiswal, Advocate.

Order

By Hon'ble Mr. S. Dayal, Member (A.)

This is an application for contempt proceedings filed by the applicant under section 17 of the Administrative Tribunals Act 1985.

The applicant has prayed that notice should be issued to the respondents for disobeying the orders of the Tribunal dated 25.6.98 for punishing the respondents for committing contempt of the order of the Tribunal.



The alleged contempt is stated to have arisen from an order passed in O.A.640/98. In that O.A. the applicant prayed for quashing the impugned order of suspension dated 15.4.98 and sought by way of interim prayer for stay the operation of the suspension order dated 15.4.98 and 18.4.98. The bench had not allowed any interim order but had issued notice to the respondents as to why the O.A. should not be admitted. The bench had also in response to the submissions made by learned counsel for the applicant that the applicant had filed representation on 6.4.98 to the Chief Medical Superintendent, Northern Railway Hospital, Allahabad but the same was not disposed of. The bench had issued directions to the respondent no.5 to dispose of the representation within three weeks. It is the contention of the applicant in this petition that the representation was not disposed of by respondent no.5 but was disposed of by letter dated 30.6.98 which was issued by Senior D.M.O. and received by the applicant on 6.7.98. Thus the respondent no.5 in the O.A. by not disposing of the representation of the applicant personally had committed contempt.

A copy of the letter dated 30.6.98 has been annexed by the applicant to his O.A. as Annexure-3. The letter in its first two lines clearly mention that the signatory of the letter has been directed by the Chief Medical Superintendent Allahabad to reply the letter of the applicant dated 6.4.98. This clearly shows that the signatory of the letter had the authority and approval of the respondent No.5 in the O.A. to parwise reply to applicant's representation

N

given by letter dated 30.6.98.

We therefore find that no deliberate or
wilful disobedience of order dated 25.6.98 of the
Tribunal in O.A. 640/98 has been made by the opposite
parties. Therefore we do not consider it
for initiating any proceedings against the
opposite parties and dismissed this contempt
petition as misconceived. +

J. S. Jhunjhunwala
Member (J.)

A. H. Patel
Member (A.)