

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC.CONTEMPT APPLICATION NO.124 OF 2001

IN

ORIGINAL APPLICATION NO.1384 OF 1999
ALLAHABAD THIS THE 5TH DAY OF DECEMBER,2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI,V.C.
HON'BLE MAJ GEN K.K. SRIVASTAVA,A.M.

C.S. Kushwaha
aged about 50 years,
S/o Late Shri Sukh Ram Kushwaha,
R/o Village Sonwal
Post Andharipur,
District-Ghazipur. Applicant

(By Advocate Shri A.K. Dave)

Versus

1. U.S. Singh,
Telecommunication Engineer,
(T.D.E.) Ghazipur.
2. Permanand Rai,
Telecommunication,
Divisional Engineer (T.D.E.),
Ghazipur. Respondents

(By Advocate Shri D.S. Shukla)

ORDER

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

By this application filed under section 17 of Administrative Tribunals Act 1985, the applicant has prayed to punish the Telecommunication Divisional Engineer, (T.D.E.), Ghazipur, (Respondent No.2), for non-compliance of the order dated 17.08.2000 passed by this Tribunal by which bunch of applications was decided and following directions were given:-

"For the reasons stated above, all these OAs are allowed. The impugned orders dated 14.07.1999, 20.07.99 & 16.08.1999 (Annexure A1, A2, & A3) in O.A. No. 1005/99, impugned order dated 20.07.1999 in OA No. 912/99, impugned orders dated 14.7.1999, 2.8.99 & 11.08.99 (Annexures A1 to A4) in OA No. 1027/99, impugned orders dated 14.7.99, 20.07.99, 29.7.99 and 2.8.99 in OA 1072/99, impugned orders dated 14.7.99, 20.7.99 & 31.8.99 in OA 1095/99, impugned orders dated 14.7.99, 20.7.99 & 3.8.99 in OA No. 1226/99, impugned order dated 17.9.99 in OA No. 1227/99, impugned order dated 8.9.99 in OA 1228/99, impugned orders dated 14.7.99, 20.7.99 & 4.10.99 in OA 1281/99, impugned order dated 16.9.99 in OA 1874/99, impugned orders dated 14.7.99, 20.7.99 & 22.9.99 in OA No. 1383/99, impugned orders dated 14.7.99

20.7.99 and 17.9.99 in OA No.1384/99, impugned orders dated 8.9.99, 16.9.99 and 20.9.99 in OA No.1273/99 to the original applications are being quashed. However, it is left open to the respondents to pass a fresh order in accordance with law after affording adequate opportunity of hearing to the applicant. During the pendency of these applications if any recovery has been made from the applicants, they will be entitled to get the amount back within a period of three months from the date of receipt of copy of this order. There will be no orders as to costs."

2. The applicant filed a rejoinder affidavit alongwith copy of the order dated 14.02.2002. The perusal of the order shows that a direction has been issued in compliance of the order passed by this Tribunal by Deputy General Manager (Administration). The direction issued on 14.02.2001 has been complied with by the sub ordinate authorities who is contemnor in the present application.

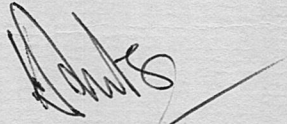
3. The grievance has been raised against Telecommunication Divisional Engineer who was not party in the O.A. However, from 01.10.2000 Telecommunication Department has been converted into corporation known as Bharat Shanchar Nigam Limited. In respect of this newly created corporation, notification under section 14(2) of Administrative Tribunals Act has not been issued by the Central Government and this Tribunal has no jurisdiction to pass orders against the employees of Bharat Shanchar Nigam Limited.

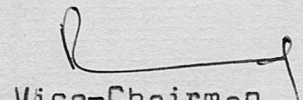
4. In these facts and circumstances, if the order passed by Divisional General Manager is not being given effect by the sub-ordinate authorities, the applicant may seek remedy before the appropriate forum. However, so far this Tribunal is concerned, ^{it has} has no jurisdiction to entertain application in contempt against the employees of Bharat Shanchar Nigam Limited. The legal position with regard to the jurisdiction of the Tribunal has been settled by the Judgement of Bombay High Court in the case of B.S.N.L. Versus A.R. Patil and others 2002 (3) A.T.J Page 1).

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5. In the circumstances, this contempt application is disposed of. Notices are discharged.

6. There shall be no order as to costs.


Member-A


Vice-Chairman

/Neelam/