

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD.

Civil Contempt Petition No.248 of 2001.

In

Original Application No.1273/99.

Allahabad this the 18th day of September, 2003.

Hon'ble Mr.Justice R.R.K. Trivedi, V.C.

Hon'ble Mr.D.R. Tiwari, Member-A.

1. Ram Uchhah Singh  
a/a 59 years;  
Son of Sri Brij Raj Singh
2. Ram Dulare Prasad  
a/a 56 years  
s/o Late Siddhu Das.
3. Shyam Narain  
aged about 56 years  
son of Sri Tameshwar.
4. Nityanand Ram  
aged about 57 years  
Son of Sri Ram Nagina Ram.
5. Kapilde Mani Tripathi  
a/a 56 years son of Sri Tirathram Mani Tripathi.
6. Ram Sanwar Singh a/a 57 years  
Son of Late Basdeo Singh.
7. Abdur Rahman a/a 55 years,  
Son of Late Mansoor Ali.
8. Chandrabhan a/a 57 years  
Son of Late Sri Dwarika Prasad.
9. Masiuddin a/a 57 years  
son of Sri Sajid Khan
10. Vishwanath Prasad a/a 57 years  
son of Late Padarath Prasad.
11. Ramanuj Ram Yadav a/a 54 years  
Son of Sri Ram Yash Yadav.
12. Garjoo Ram a/a 54 years  
son of Late Sri Dukhi Ram.
13. Kaniteshwar Prasad a/a 53 years  
Son of Late Ram Samujh Shukla.
14. Ram Dhani Shukla a/a 54 years  
Son of Late Ram Samujh Shukla.
15. Ramagya Singh a/a 54 years  
Son of Sri Gata Pd. Singh.
16. Ram Jiut a/a 54 years  
Son of Sri Ram Lagan

17. Mohd. Hussain a/a 56 years  
Son of Late Sri Namdar Khan
18. Noor Mohd. Khan a/a 53 years  
Son of Late Haji Rahman Ali Khan.
19. Dashrath Ram a/a 53 years  
Son of Sri Gajadhar Ram.
20. Hari Krishna Gupta a/a 57 years,  
Son of Sri Raj Kishore Gupta.
21. Dhruwa Singh a/a 55 years  
Son of Sri Ghuran Singh
22. Indrajit Dubey a/a 54 years  
Son of Late Bindeshwari Dubey.
23. Ram Niwas Prasad a/a 56 years  
Son of Late Yamuna Prasad.
24. Shripati Yadav a/a 58 years  
Son of Sri Ramdaur.
25. Raghav Sharan Srivastava a/a 53 years  
Son of Sri Lalta Pd. Lal.
26. Ambika Pd. Singh a/a 57 years.  
Son of Late Thakur Singh.
27. Akshaibar Pd. Mishra a/a 57 years  
Son of Late Ram Bharose Mishra.
28. Ram Kewal Prasad a/a 55 years,  
Son of Sri Churamani.

All presently working as Chief Section Supervisors  
(Phones) in the office of General Manager Telecom  
District, Gorakhpur.

.....Applicants.

(By Advocate : Sri S Agrawal).

Versus.

1. Shyamal Ghose,  
Secretary Telecom, Sanchar Bhawan,  
New Delhi.
2. Dr. D.P.S. Seth, Chairman Cum Managing Director (CMD)  
Bharat Sanchar Nigam Ltd.  
Sanchar Bhawan New Delhi.
3. Rakesh Kumar,  
Director T.E. Sanchar Bhawan,  
New Delhi.
4. S.P. Kalsi, Chief General Manager  
Telecom Lucknow.
5. Mahidhar Pant,  
Dy. General Manager (A), Office of Chief G.M.  
Telecom U.P. East Circle, Lucknow.
6. Shashi Kant Srivastava

General Manager, Telecom District  
Gorakhpur.

7. R.S. Tripathi  
Dy. General Manager (P)  
Office of General Manager, Telecom District  
Gorakhpur.
8. Bechan Ram,  
Administrative Officer (Cash)  
Office of the General Manager, Telecom District  
Gorakhpur.

....Respondents.

(By Advocate : Sri A Sthalekar/Sri R.C. Joshi)

O\_R\_D\_E\_R

(Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this contempt application filed under section 17 of Administrative Tribunals Act 1985, applicants have prayed to punish respondents for committing contempt of this Tribunal by wilful disobedience of the order dated 17.08.2000 passed in O.A. No. 1005 of 1999 and others O.As. The direction of this Tribunal was as under:

"For the reasons stated above all these O.As are allowed. The impugned orders dated 14.7.99, 20.7.99 & 16.8.99 (Annexures A-1, A-2 & A-3) in O.A. No.1005/99, impugned order dated 20.7.99 in O.A. No.912/99, impugned orders dated 14.7.99, 2.8.99 & 11.8.99 (Annexures A-1 to A-4) in O.A. No.1927/99, impugned order dated 14.7.99, 20.7.99, 29.7.99 and 2.8.99 in O.A. No.1972/99: impugned orders dated 14.7.99, 20.7.99 & 31.8.99 in O.A No.1095/99, impugned orders dated 14.7.99, 20.7.99 & 3.8.99 in O.A. No.1226/99, impugned order dated 8.9.99 in O.A. No.1228/99, impugned order dated 14.7.99, 20.07.99 & 4.10.99 in O.A. No.1281/99, impugned order dated 16.9.99 in O.A. No.1374/99, impugned orders dated 14.7.99, 20.7.99 & 22.9.99 in O.A. No.1383/99 impugned orders dated 14.7.99, 20.7.99 in O.A. No. 1384/99, impugned orders dated 8.9.99, 16.9.99 and 20.9.99 in O.A. No.1273/99 to the original applications are being quashed".

2. The Tribunal quashed the impugned orders of reversion challenged in the Bunch of O.As and gave the following directions:-?



"....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 of 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 a copy of this order. There will be no order as to costs".

3. The respondents in pursuance of the aforesaid orders issued show cause notices to applicants on different dates and after receipt of the reply, submitted by the applicants, passed detailed order on 20.11.2002 to the following effect:-

"The undersigned is, therefore, left with no option but to hereby cancel your promotion orders to Gr.-IV under 10% BCR as issued vide this office order of even No. dated 17.11.98. Consequent upon cancellation of the said promotion order the promotional benefits including the arrears of enhanced pay and allowances paid to you will be completely withdrawn. Since you have already retired from service, the action in your case will be taken in accordance with Para-3 of the Show- cause notice issued on the subject".

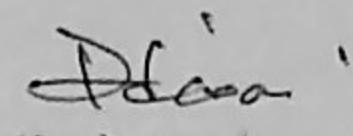
4. Some orders have been passed in respect of the applicants who are continuing in service. As the orders have been passed and fresh orders of reversion has come in force holding applicants liable to pay back the amounts which they had received under wrong orders issued in their favour, there is not question of contempt.

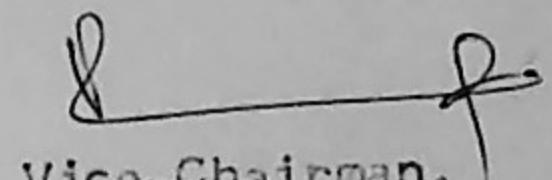
5. Sri S.K. Mishra, learned counsel for the applicant, however, submitted that these orders have been passed after a long delay of about two years and the amount, which were recovered from the applicant was not paid to them as directed by this Tribunal.

6. Although it is true that there is delay of about two years but we see no good ground for punishing the



respondents, on the ground of delay alone. However, it shall be open to applicants to challenge the orders passed against them in original side. Subject to ~~contempt application, notices are discharged &~~ aforesaid, the ~~V.C.~~ is dismissed with no order as to costs.

  
Member-A.

  
Vice-Chairman.

Manish/-