

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 17th day of November, 2003.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. D. R. TIWARI, A.M.

C.C.A.No. 249 of 2001 in O.A. No.1586 of 1993.

Nathoo Lal S/O Shri Gekul Ram R/O Railway Station, Makarandpur
Post Bhamora, District Bareilly.

.....

.....Applicant.

Counsel for applicant : Sri R.C. Pathak.

Versus

1. H.L. Tamta, Senior Superintendent Post Offices, Head Post
Office, Bareilly Cantt., Bareilly.

2. Ram Baboo Mishra (Inspector), Sub-Division, Head Post
Office, Bareilly Cantt., Bareilly.

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.....Respondents.

Counsel for respondents : Sri M.K. Upadhyay & Sri R.K. Mishra.

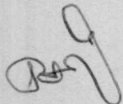
O R D E R

BY HON. MR. JUSTICE S.R. SINGH, V.C.

The present contempt petition has been filed by original applicant on the premise that the order of removal from service having been set aside by the Tribunal vide order dated 28.2.2001, the applicant ought to have been re-instated and paid his back wages. This, according to the applicant, was not done and hence the respondent authorities are guilty of Contempt of Court.

2. The operative portion of order dated 28.2.2001 reads as under :-

"The O.A. is accordingly allowed, the orders dated 31.10.87 passed by respondent no.4 and order dated 4.4.89 passed by respondent No.3 and the order dated 13.8.93 passed by respondent No.2 are quashed. The proceedings against the applicant shall be started afresh from the stage, the enquiry report dated 12.9.87 was filed. As the proceedings are very old, it is also directed that the proceedings shall be concluded within a period of 4 months from the date of copy of this order is filed. We

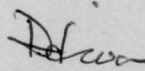


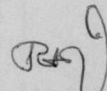
further provide that the applicant will not be entitled for the backwages and reinstatement during this period. However, it shall be subject to final order passed in the enquiry report. No order as to costs."

3. In our opinion, the contempt is misconceived and devoid of merit. It is evident from the above extracted order passed by the Tribunal that the order of removal from service was set aside with the direction that enquiry proceedings would be started afresh, from the stage of enquiry report and applicant would not be entitled to back wages in the meanwhile for that would depend on the outcome of the enquiry. The question of wilful disobedience does not arise.

4. The contempt petition, is therefore, dismissed and the notices are discharged.

No order as to costs.


A.M.


V.C.

Asthana/