

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Civil Misc. Contempt Application No. 70 of 2001

THIS THE 22nd DAY OF NOVEMBER, 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Anand Kumar, a/a 39 years, son
of Pokhai ram, r/o Military Farm
Dehradun, presently working on the
post of Veterinary Dressor Grade II
Military Farm, Dehradun.

... Applicant

Versus

Capt. Dalpat Singh Rathore, Officer
Incharge, Military Farm, Dehradun

... Contemnor

In

Original Application No.03 of 2001

Anand Kumar

... Applicant

Versus

Union of India through Defence
Secretary, South Block, New
Delhi & Ors.

... Respondents

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

We have heard Shri Rajiv Sharma learned counsel appearing for the respondents. None is present for the applicant. This application u/s 17 of the A.T.Act 1985 has been filed for punishing respondents alleging that he has committed contempt of this Tribunal by not obeying the order dated 8.3.2001 passed in OA No.3 of 2001.

In the OA the order of transfer dated 4.11.1999 was challenged. This Tribunal gave the following direction.

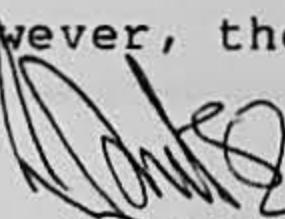
"Under the circumstances, the OA is disposed of at the admission stage itself with the direction to the Respondents to pay salary for the month of January upto 30th January 2001 and advance of Transfer TA before asking the applicant to move from his

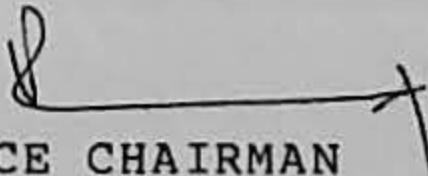
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present place of posting. The applicant shall be entitled to payment of salary from the date of joining till the date of payment of the above two months including salary for the period after he joins.

The OA stands disposed of. No order as to costs."

Counter affidavit has been filed. The allegation of the applicant is that though he served the copy of the order dated 8.3.2001 on the contemner on 26.3.2001 by hand and also sent a copy by regd.post but the order has not been complied with. Counter affidavit has been filed in para 11 whereof it has been said that the applicant never personally approached the contemner. His two regd. letters dated 21.4.2001 and 1.5.2001 were received at Dehradun address. It is also stated that on 4.5.2001 he reported for the first time. After joining on 4.5.2001 on 5.5.2001 he received the salary till 30.4.2001. He was paid total amount of Rs.14,248/- but the applicant did not submit any TA/DA requisition inspite of being told by the cashier. After collecting the pay he went away and has never come for duty. No RA has been filed disputing the above factual position. In the facts and circumstances as the applicant has already received the entire amount of salary and advance TA/DA could not be paid as he failed to furnish requisition, ⁱⁿ our opinion no case for contempt is made out. The contempt application is accordingly rejected. Notices are discharged. However, there will be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 22.11.2001

Uv/