

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 30th day of October, 2001.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. C.S. Chadha, Member- A.

Civil Contempt Application No. 84 of 2001

IN

Original Application No. 1228 of 1999.

1. All India Telecom Employees Union,
Class III, U.P. (East) Circle,
Lucknow.
2. Smt. Sukhda Shukla,
Chief Telecom Supervisor,
Office of the General Manager
Telecom, Kanpur.
3. Smt. Asha Lata
Chief Telecom Supervisor
Office of the General Manager,
Telecom, Kanpur.
4. Sri J.N. Tripathi S/o Late J.P. Tripathi
Chief Telecom Supervisor (Retd.), Office
of the General Manager,
Telecom, Kanpur.
5. Sri T.A. Siddiqui
Technician, Office of the General Manager,
Telecom, Kanpur

- - - Petitioners.

Counsel for Petitioners:- Sri H.S. Srivastava

Versus

S.P. Kalsi, Chief General Manager,
Telecom U.P. (East) Circle, Lucknow

..... Respondents

Counsel for Respondents :- Sri Amit Sthalekar

O R D E R (Oral)

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

By this application U/S 17 of Administrative
Tribunals Act 1985, applicants have prayed to punish
the respondent for willful disobedience of the order



dated 17.8.2000 by which a bunch of OAs, ~~were~~^{was} decided with following direction :-

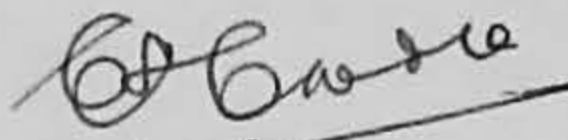
"For the reasons stated above, all these OAs are allowed. The impugned orders dated 14.7.99, 20.7.99 & 16.8.99 (Annexure A1, A2 & A3) in OA No.1005/99, impugned order dated 20.7.99 in OA No.912/99, impugned orders dated 14.7.99, 2.8.99 & 11.8.99 (Annexures A1 to A4) in OA No.1027/99, impugned orders dated 14.7.99, 20.7.99, 29.7.99 & 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 and 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 1374/99, 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. In pursuance of the aforesaid orders of the tribunal, respondents have passed the orders dated 19.2.2001 filed as Annexure CA-I. By the aforesaid order, the respondents have directed to refund the amount recovered. The order also takes the ~~care~~^{care} of those who retired from the government service and also those who are likely to be retired shortly. Considering the aforesaid detailed order, it is difficult to say that respondents willfully disobeyed the orders passed by this Tribunal. In our opinion, no case of contempt is made out in such ~~cases~~^{facts}. At the same time, we also observe that there may be individual grievances which may be raised individually by making representation

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before the authorities which shall be considered and decided by a reasoned order^{or} expeditiously preferably within two months or such person may also approach this Tribunal by filing fresh OA. Subject to aforesaid, this contempt petition is dismissed. Notices are discharged.

3. There will be no order as to costs.


Member - A.


Vice-Chairman.

/Anand/