

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated 5th day of February, 2002.

Contempt Application No.122 of 2001.

In

Original Application No.104 of 2001.

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. AK Bhatnagar, J.M.

Abhishek Sharma Son of Late Sri RK Sharma,
Residing temporarily at 199/1, Babupurwa Colony,
Kidwainagar, Kanpur.

(Sri OP Gupta, Advocate)

..... .Applicant

Versus

1. P.K. Misra, S.D.I.(Postal), South,
Sub Division Kanpur City-208001.
2. Subhash Chandra, S.S.P.Os Kanpur,
City Division, Kanpur.

(Sri R.Chaudhary, Advocate)

..... .Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. S. Dayal, A.M.

This contempt application was filed by the applicant mentioning that the order of put off dated 16-1-2001 of the applicant was suspended till the next date by the interim order dated 13-2-2001 granted by the Tribunal. The said order was communicated to the respondents on 19-2-2001, but the applicant was not given any duty. Hence, the contempt application was filed.

2. We have heard Sri OP Gupta, counsel for the applicant. We have considered the counter reply filed by the respondents.

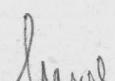
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3. We find from the counter reply that the Sub Divisional Inspector (Postal) South Sub Division, Kanpur City, Kanpur passed an order dated 7-8-2001 for taking the applicant back on duty. The order was sent by Registered Post to the applicant, who assumed charge on 17-8-2001.

4. Learned counsel for the applicant states that the order has not been complied with on account of delay after it was served on the applicant on 19-2-2001. The second contention is that the interim order is not being complied with because the wages for the intervening period have not been given to him. Thirdly, he states that there is no mention of the order of the Tribunal in his order placing the applicant back on duty.

5. The notice for the contempt was issued in this case for non-compliance of the direction of the Tribunal by which the order of put off dated 16-1-2001 was suspended. The requirement thereafter was that the applicant shall be allowed to join duty. The applicant has been allowed to join duty though belatedly. Under the circumstances, we cannot draw any conclusion that the respondents had deliberately disobeyed the order of the Tribunal. As regards back wages, the applicant shall have opportunity to claim the same in his OA by bringing on record of that case. Hence, contempt proceedings are dropped and the notices issued are withdrawn.


Member J)


Member (A)

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