

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 11th day of January 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

CCA NO.13 of 2001.

in

O. A. NO.1436 of 2000.

1. Roop Chandra Das, Chaukidar-cum-Peon-cum-Safaiwala  
s/o Sukai Das Chamar, Ex.PRO Office, M of D, 2 R.A.  
Lines, Cantt., Allahabad.... .... Applicant.

Counsel for applicant : Sri Ashok Kumar.

Versus

1. Union of India through Secretary M of D, New Delhi.
2. Director General, Public Relations, Ministry of Defence,  
New Delhi.
3. Sqn. Ldr. R.K. Singh, Public Relation Officer, Ministry  
of Defence, 2 R.A. Lines, New Cantt., Allahabad.
4. G.O.C., M.P.B. & O Area, through Hq. Allahabad, Sub-  
Area, Allahabad.
5. Sri S.D. Bagla, I.A.S., Commissioner, Scheduled Caste/  
Scheduled Tribe Commission, U.P., Lucknow.

.... Respondents.

Counsel for respondents : Sri Manoj Kumar.

ORDER (ORAL)

BY HON. MR. S. DAYAL, A.M.

This contempt petition has been filed for willful  
disobedience of order dated 22.12.2000 in O.A. No.1436/00.

The relevant part of the order reads as follows :-

"As the impugned order has been challenged on the ground  
of malafide. Therefore, I do not find it a fit matter to  
pass any order without hearing the other party. The  
applicant has also grievance that he has not been paid  
the amount, to which he ought to have been on his transfer  
for that the respondents are directed to examine and  
ensure due payments within 3 days of communication of  
this order.

The pendency of this O.A. shall not be impediment  
for taking any decision on allegedly pending representation  
of the applicant against the impugned transfer order."

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2. We find from the counter filed by the respondents in this contempt petition that the respondents sought to make due payments to the applicant earlier, but, on his refusal, made the payment on 17.4.01 and the applicant signed the Supplementary bill at the time of hearing of this contempt petition on the same date. Thus, the main issue for which the contempt petition is moved, has been resolved. No deliberate disobedience can be attributed to the respondents.

3. As regards, the issue of disposal of representation raised in the contempt petition, the issue cannot be made the basis for moving contempt petition because there was no direction of the tribunal for disposal of the representation. There was only observation that the pendency of the O.A. shall not be an impediment for considering the pending representation of the applicant against the impugned transfer order. We, thus, find that no case for contempt survives against the respondents. The contempt petition is, therefore, dropped and the notices issued are discharged. The O.A. may be placed before a single bench for disposal on 12.2.2000. A copy of this order shall be <sup>placed & record of the</sup> ~~placed in~~ in the O.A. also.

\* There shall be no order as to costs.

D. M. Asthana  
J.M.

A. M.  
A.M.

Asthana/