

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABD BENCH

ALLAHABAD

Allahabad : Dated this 21st day of May, 2001.

Contempt Petition No. 18 of 2001.

In

Original Application No.1394 of 2000CORAM :-

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

Hon'ble Mr. SKI Naqvi, J.M.

No.4248727 Ex Hav Clk (Army)
Benkatesh Pandey, L.D.C.
Re-employed as Civilian Clerk in
Public Relations Office,
Office of Public Relations Officer,
M of D, 2 R.A. Lines, New Cantt, Allahabad.

(Sri Ashok Kumar, Advocate)

. Applicant

Versus

1. Dr. Yogendra Narain,
Secretary, Ministry of Defence,
Govt. of India, New Delhi.
2. Shri P.S. Bhatnagar,
Addl. Press Information Officer,
Directorate of Public Relations,
Ministry of Defence, New Delhi.
3. Sqn Ldr R.K. Singh,
Public Relations Officer,
2, R.A. Lines, Allahabad.

(Sri Manoj Kumar, Advocate)

. Opp. Parties

ORDER (O_r_a_l)By Hon'ble Mr. S. Dayal, A.M.

This contempt petition has been filed for non-compliance of the order dated 20-12-2000 in OA No.1394 of 2000. The Opp. Party has also submitted that they have committed contempt by not allowing the applicant to join duties in the Office of the Public Relation Officer, Ministry of Defence, 2 R.A. Lines,

New Cantt, Allahabad and because the Opp. No.2

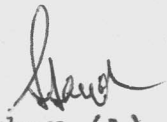
abused due process of law by not properly processing the statutory appeal dated 17-11-2000.

2. Learned counsel for the applicant has taken recourse to Submission of Petition Rules and has contended that any petition addressed to the Minister shall be considered to be an application addressed to the President and shall be disposed of by the Secretary to the Department. This is not borne out by Govt. of India decision under Submission of Petition Rules. It has been clarified by Govt. of India Min.of Home Affairs Memo.dated 10-1-1965/29-4-1965, that petitions to authorities other than the President are to be treated as petitions made to Government of India and have to be treated in the manner of disposal of petitions made to Govt. of India.

3. Thus the petition dated 17-11-2000 is to be disposed of by the Department by treating to be as a petition made to the Government. We find that the direction to decide the pending representation by the competent authority within 15 days from the date of communication of a copy of the order has been disposed of by letter dated 9-1-2001 by Addl.PIO(Defence) in the Office of Directorate of Public Relations, Ministry of Defence, South Block, New Delhi. Learned counsel for the applicant has not mentioned as to who is the competent authority in case of transfer of the applicant. The applicant is serving in Public Relations Office, 2 R.A. Lines, Cantonment Allahabad as LDC. He has made Army Headquarters, Adjutant General Branch through OIC Legal Cell (Army), Sub Area, Allahabad and Director General, Public Relations, Ministry of Defence, New Delhi as respondents in his OA. Therefore, an order



emanating from the Office of Directorate of Public Relations, Ministry of Defence, South Block, New Delhi can be treated to be an order passed by the competent authority. In any case, we find that the case of deliberate disobedience against the Opp. Parties has not been established. The contempt petition is, therefore, rejected at admission stage.


Member (J)
Member (A)Dube/