

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 13th day of May 2002.

Contempt Application no. 274 of 2001
Original Application no. 912 of 1999

Hon'ble Maj Gen K.K. Srivastava, Member (A)
Hon'ble Mr. A.K. Bhatnagar, Member (J)

Ram Sajwan Shukla, S/o Late R.H. Shukla,
R/o C-786, Kareli, G.T.B. Nagar, Allahabad.

... Applicant

By Adv : Sri A.B.L. Srivastava

Versus

Sri S.M. Aley Raza,
Dy. General Manager (Admn.),
O/o Chief General Manager Telecom,
U.P. (East) Telecom Circle, Hazratgunj,
Lucknow.

... Respondents

By Adv : Sri A. Sthalekar

O R D E R

Hon'ble Maj Gen K.K. Srivastava, Member (A).

In this contempt application filed under section 17 of A.T. Act, 1985, the applicant has prayed for direction to punish the respondent for non compliance of this Tribunal's order dated 17.8.2000 passed in OA no. 912 of 1999. By the order of this Tribunal dated 17.8.2000, a bunch of OAs were decided including OA 912 of 1999. The following order was given by this Tribunal :-

"For the reasons stated above, all these OAs are allowed. The impugned orders dated 14.7.1999 20.7.1999 & 16.8.1999 (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 in OA 1072/99, ~~impugned orders~~ (Annexure A1 to A4) in OA no. 1027/99, impugned orders dated 14.7.99, 20.7.99, 29.7.99 & 14.7.99, 20.7.

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20.7.99, 29.7.99 & 2.8.99 in OA 1022/99, 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 1227/99 impugned order dated 8.9.99 in OA 1228/99, impugned order 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, if 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."

In pursuance of the aforesaid order of this Tribunal, the respondents have passed the order dated 19.2.2001 filed as Annexure CA-3. By the aforesaid order, the respondents have directed to refund the amount recovered. The order also takes care of those who retired from service and also those who are likely to be retired shortly. Considering the aforesaid detailed order it is difficult to say that the respondents have willfully disobeyed the order passed by this Tribunal. Sri A.B.L. Srivastava, learned counsel for the applicant has raised objection about the maintainability of the counter affidavit as such on the ground that in contempt proceedings the CA has to be filed by the contemner himself as per Rule 8 and 10 of Contempt of Courts Act. In our opinion the CA has been filed by a responsible officer of Bharat Sanchar Nigam Limited who is working in the officer of Chief General Manager (Telecom) UP Circle, Lucknow, and therefore, we find no illegality in this regard. No case of contempt is made out ^{in such facts}. We also observed that the applicant

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has individual grievances which he has raised before the Chief General Manager (Telecom) UP Circle, Lucknow by making a representation dated 7.3.2001, which as per applicant's counsel has not been decided so far. Learned counsel for the applicant also invited our attention to Annexure 3 (II) which is the statement of account of Bank of Baroda, Allahabad, showing that the pension which was fixed as Rs. 5051/- has been reduced to Rs. 4459/- as per the entry dated 1.4.2001. Thus the pension of Rs. 5051/- fixed relates to Grade III as per applicant's counsel. These individual grievances have to be redressed independently and cannot be subject matter for adjudication in this contempt application.

2. In view of the above, this contempt application is rejected. Notices issued are discharged.

3. There shall be no order as to costs.


Member (J)


Member (A)

/pc/