

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD.

CIVIL MISC. CONTEMPT PETITION NO.125 OF 2004.

IN

ORIGINAL APPLICATION NO. 110 OF 1998.

ALLAHABAD THIS THE 15TH DAY OF SEPTEMBER 2006

HON'BLE MR. JUSTICE KHEM KARAN, V.C.

HON'BLE MR. P.K. CHATTERJI, A.M

Sandeep Kumar Mitra, son of late P.K. Mitra,
Resident of E-1, Old Colony, N.S.I. Campus,
Kalyanpur, Kanpur.

.....Applicant.

(By Advocate: Sri M.K. Upadhyaya)

Versus.

1. Sri S.K. Tuteja, Secretary, Ministry of Food and Consumer Affairs, Department of Food & Edible, Oils Krish Bhawan, New Delhi.
2. Sri Jainder Singh, Secretary, Union Public Service Commission, Dholpur House, Sahjahan Road, New Delhi.
3. Sri R.B. Nigam, Director National Sugar Institute, Kalyanpur, Kanpur.

.....Respondents.

(By Advocate: Sri N.C. Tripathi)

O R D E R

By HON'BLE MR. JUSTICE KHEM KARAN, V.C.

Heard Sri M.K. Upadhyaya counsel for the applicant and Sri N.C. Tripathi counsel for the respondents on this contempt application.

2. Earlier the applicant filed one O.A. NO.110/98, which this Bench allowed with the following directions:-

"Considering the facts and circumstances of the case, therefore, we are of the view that it would meet the ends of justice, if the O.A. is disposed of with a direction to the Director, National Sugar Institute, Kalyanpur, Kanpur to take steps within a month, in a manner prescribed, for creation/revival of the two posts of Professor, which are deemed to have been abolished and thereafter to take steps for filling up the two posts in accordance with



2.

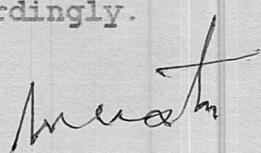
law expeditiously within 4 months from the date of creation/revival of the two posts".

3. The applicant filed this contempt petition saying that the said directions of this Tribunal have not been complied with and so they should be punished for wilfully disobeying the same. The respondents, to whom the notices was issued, came with a reply that in compliance of the directions of the Tribunal, post of Professor for Sugar Technology in National Sugar Institute, Kalyanpur, Kanpur were revived w.e.f 12.4.2004 vide Government order dated 13.4.2004 (Annexure SCA-1) and thereafter promotions were made and applicant was promoted to the said post on 18.11.2005 and he joined duties though under protest.

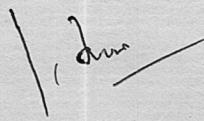
4. Sri M.K. Upadhyaya has tried to say that the orders of this Tribunal have not been complied with in letter and spirit as after revival of the two posts, the applicant ought to have been given promotion from 1996 when he became eligible for the promotion to the said post read with paragraph 2 of the order of this Tribunal. The learned counsel for the applicant wants to say that for all practical purposes, it would be treated as the two posts were available right from 1996. We are not in a position to appreciate this argument of Sri M.K. Upadhyaya counsel for the applicant. Firstly, the operative portion of the order dated 19.1.2004 does not spell out such an interpretation. Secondly, revival order dated 13.4.2004 itself provides that two posts have come in existence on 12.4.2004. It is difficult to say that respondents have disobeyed any directions of the

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Tribunal. Whatever may be interpretation, the case for wilful disobedience cannot be said to be there so as to take any action against the respondents. The contempt proceedings are dropped. Notices are discharged. Ordered accordingly.



Member-A



Vice-Chairman.

Manish/-