

30.11.2004

Hon'ble Mrs. Meera Chhibber, J.M.
Hon'ble Mrs. Roli Srivastava, A.M.

Shri O.P. Gupta counsel for the applicant in CCP 156/04 in O.A. 1201/04. Shri Anoop Singh counsel for the applicant in O.A. 1254/04. Shri Saumitra Singh counsel for the respondents in both the O.As & CCP.

Since all the matters C.P. and O.As ^{being 12} are connected, therefore, common orders are ^{being 12} passed.

Applicants have filed contempt petition alleging dis-obedience of the order dated 08.10.2004 whereby the impugned order dated 01.09.2004 was stayed and respondents were directed not to interfere with the working of the applicants as EDBPM Balkaranpur, Kaushambi Allahabad and further action pursuant to the notification dated 28.09.2004 was also stayed.

Respondents have now filed their detailed affidavit stating therein that the order dated 08.10.2004 passed in O.A. No.1201/04 has been fully complied with ~~and~~ in as much as applicant has been allowed to take the charge on 24.11.2004 at Balkaranpur, which is evident from Annexure-3 of the counter affidavit. They have also explained the facts as to why it became necessary to issue the order dated 01.09.2004 and the order itself was passed pursuant to the directions given by this Tribunal in O.A. No.20/04 filed by the applicant himself.

Counsel for the applicant ^{however 12} submitted that respondent have purposely delayed ~~for~~ implementing the interim order therefore, some observations may be made with regard to the intervening period. In the contempt petition we are concerned only with the compliance of the order passed by Tribunal and since respondents have already complied with the interim order, we do not think we can further probe in the matter to see the correctness of the action of the respondents at this stage. The O.As are still pending in which respondents have already filed their counter affidavit yesterday. Therefore, all



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these aspects can always be argued by all the parties in the O.A. which shall be taken up on 17.12.2004 after rejoinder is filed by the applicant within 2 weeks. Interim order passed in O.A. No.1201/04 shall continue till the next date. It is made clear since this is a short matter and does not required long arguments, no further adjournment shall be granted.

As far as the contempt petition is concerned, since respondents have already complied with the directions, the contempt petition is dismissed. Notices issued to the respondents are discharged. Copy of the order be kept in each file.

A.M.

J.M.

shukla/-