

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 10th day of OCTOBER 2006.

Contempt Application No. 106 of 2005
IN
Original Application No. 553 of 2003.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman
Hon'ble Mr. P.K. Chatterji, Member-A

Shyam Bihari Dhuria, S/o Sri Shiv Gulam,
R/o Village and Post Jalalpur,
Distt: Banda.

..... Applicant

By Adv: Sri R.C. Pathak

V E R S U S

Dinesh Singh
Sri Shyam Bihari Dhuria,
Superintendent of Post Offices, Prakhand,
Distt: Banda.

2. Ram Tirtah, Branch Post Master, Jalalpur,
Distt: Banda.

3. Sri Ram Babu, Inspector Post Offices (South),
Banda.

..... Respondents

By Adv: Sri S. Singh

O R D E R

Hon'ble Mr. Justice Khem Karan, VC

In OA 553 of 2003 filed by the applicant S.B. Dhuria this Tribunal passed an order dated 11.01.2005. The relevant portion of the said order is as under:-

"In support of his claim, the applicant has placed reliance upon certain documents including the appointment order, which according to him, was issued by the Shakha Dakpal of the concerned Post Office. The respondents have disputed the genuineness of the documents being relied on by the applicant. The applicant has filed the Photostat copies of various documents

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authenticity of which has to be examined, if necessary after having opinion of the handwriting expert. The controversy being factual in nature, we think that it would be better if the matter is look into the grievance of the applicant and take appropriate decision in accordance with law after examining the genuineness of the documents being relief on the applicant. The decision in this regard shall be taken by the Senior Superintendent of Post Offices, Banda expeditiously within a period of three months from the date of receipt of a copy of this order. The applicant is given liberty to produce all the documents he is relying on before the Superintendent of Post Office, Banda who may take the opinion of handwriting expert of the documents relied on by the applicant which purport to bear the signature of the competent authority. The applicant is directed to cooperate with the inquiry so as to enable the Superintendent of Post Office, Banda to take decision in the matter expeditiously as referred hereinabove. The interim order passed is vacated. It is, however, provided that Superintendent of Post Office, Banda would make such arrangement as he may deem fit and proper in the circumstances.

2. The applicant has filed this Contempt Application under Section 17 of the A.T. Act, 1985 saying that the respondents has disobeyed the said direction by not passing any order. Notice was issued to respondent No. 1, who has filed reply saying that orders have been passed on 27.04.2005 and the applicant has been intimated about the same vide letter dated 27.04.2005. Copy of that order has been annexed to the reply. It is stated in that order that in spite of the letters having been written to the applicant to come and have his say in the matter, he did not turns up.

3. Sri Pathak has contended that in view of the clear cut directions of this Tribunal that the



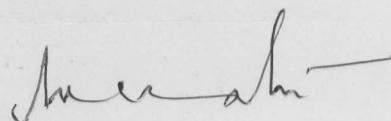
authorities concerned will have to take an opinion of handwriting expert, no such opinion was obtained before passing the said order dated 27.04.2005 and in spite of the application dated 27.02.2005 of the applicant, he was not properly informed about ongoing inquiry into the matter. Sri Pathak submits that in this way a clear cut of willful disobedience is made out so as to proceed against the respondents.

4. Sri S. Singh, learned counsel for the respondents has stated that sufficient proof has been filed to the effect that the communication was sent to the applicant, but he could not be found out for the reasons noted thereon and so the authorities concerned had no option but to pass suitable order. He has also stated that a perusal of the direction dated 11.01.2005 itself reveals that it was left to the discretion of the respondent No. 1 to obtain or not to obtain the opinion of the handwriting expert.

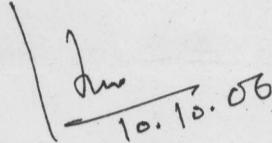
5. After hearing the respective arguments and perusing the material on record, we are of the view that no prima-facie case is made out, to proceed against the respondent No. 1, for committing Contempt of Court. The respondent No. 1 has passed one order and it may be that order may not be correct or proper one. In these contempt proceedings, the correctness or otherwise of that

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order cannot be gone into. That may be subject matter of another action but not ~~in~~ ⁱⁿ proceedings under Section 17 of the A.T. Act, 1985. The Contempt Proceedings are dropped and notices issued to the respondents are discharged.



Member (A)


J.W.
10.10.06

Vice-Chairman

/pc/