

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

**C.C.A. 107 of 2005
In
O.A. NO. 539/04**

Thursday this the 18th day of January 2007

**Hon'ble Mr. Justice Khem Karan, V.C.
Hon'ble Mr. M. Jayaraman, A.M**

Smt. Nirmala Devi, Wife of Brij Bhusan Pathak, R/o Kanuwani
Post Office-Kanuwani, Pargana Kerakat, Distt-Jaunpur.

Applicant

By Advocate Shri N.P. Singh

Versus

1. Sri Vidya Dhar Tripathi, The Registrar, Sumpurnanand University, Varanasi.
2. Ram Narain Saxena, The Superintendent of Post Offices, Jaunpur.

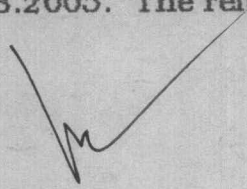
Respondents

By Advocate Shri Anil Tewari (for respondent no. 1)

ORDER

Justice Khem Karan, Vice Chairman

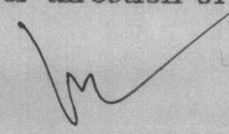
Heard Sri N.P. Singh, appearing for the applicant and Shri Anil Tiwari for respondent no.1. Registrar, Sampurnanand University-respondent no.1 is present in person.

2. Earlier the applicant filed one O.A. No. 539 of 2004 before this Bench impleading Union of India, Registrar Sampurnanand University, Varanasi, Superintendent of Post Offices, Jaunpur and one Shri Ashok Kumar Yadav. The applicant had challenged the appointment of Shri A.K. Yadav on certain grounds including one that school certificate filed by Shri Yadav was forged and fabricated. This Tribunal finally disposed of that O.A. vide its Order dated 18.03.2005. The relevant portion of that Order is as under: -
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2. As question of fact needs to be examined in consonance with the principles of natural justice, we are of the view that the Superintendent of Post Offices, Jaunpur may be called upon to examine the matter and take appropriate decision by means of reasoned order after affording opportunity of show cause to the applicant as well as the respondent no.4. The applicant shall have liberty to produce his documents and move an application before Superintendent of Post Offices, Jaunpur for summoning the relevant documents from the University. The Superintendent of Post Offices, Jaunpur shall after conducting proper enquiry and after affording opportunity of hearing to the applicant as well as the 4th respondent decide the controversy in accordance with law and by means of reasoned and speaking order within 4 months from the date of communication of this order."

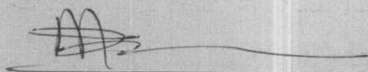
3. The applicant has filed this Contempt Application under Section 17 of the Administrative Tribunals Act, 1985 arraying the Registrar, Sampurnanand University, Varanasi and Superintendent of Post Offices, Jaunpur as respondents and alleging that by not complying with the directions dated 18.03.2005, they have committed contempt of court. It appears Senior Superintendent of Post Office was discharged, vide Order dated 29.11.2006. Shri N.P. Singh submits that respondent no.1 disobeyed the directions dated 18.03.2005 of this Tribunal by not hearing the applicant and by issuing a letter dated 01.08.2006 annexed as annexure SA-2 to the Supplementary Affidavit. Shri Singh says that respondent no.1 has committed forgery with a view to enable the respondent no.4 to obtain the employment and so he should be dealt with sternly.

4. Learned counsel for respondent no.1 has contended that the directions of the Tribunal were to Superintendent, Post Offices, Jaunpur to hold inquiry into the matter and there was no direction to respondent no.1 namely Registrar, Sampurnanand University to do anything. He says that in view of this, there is no point in proceeding against the Registrar, Sampurnanand University, for disobeying any direction of this Tribunal. Shri N.P. Singh has said that inquiry to be held by Superintendent of Post Offices as per direction of the Tribunal,

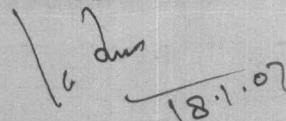


the Registrar of Sampurnanand University was also involved so, it cannot be said that he had nothing to do with the directions.

5. After considering the respective submissions and perusing the material on record, we are of the view that there are no good grounds for proceeding against respondent no.1 namely Registrar, Sampurnanand University for willfully disobeying the directions dated 18.03.2005, given in O.A. No. 539 of 2004. The directions were given to respondent no.2- Superintendent of Post Offices, Jaunpur to hold an inquiry and no direction was given to the Registrar of Sampurnanand University. We are not expressing any opinion this way or that way as regards the truthfulness or otherwise of allegations against the respondent no.1. Notice issued to respondent no.1 is discharged and contempt proceedings are dropped.



Member (A)


18.1.07

Vice Chairman

/M.M./