

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 28th DAY OF JULY 2009)

Hon'ble Mr. A.K. Gaur, Member (J)

Hon'ble Mr. D.C. Lakha Member (A)

C.C.A.149 of 2005

In

Original Application No.682 of 2003

(U/S 19, Administrative Tribunal Act, 1985)

Smt. Munni Devi wife of Mahesh Chandra Saxena, resident of village Achaura,
Post Chhaturia (Ujhani) District-Budaun.

..... **Applicant**

Versus

1. Sri Rajiva Kandapal, Director of Accounts Postal U.P. Circle, Aminabad Lucknow.
2. Smt. Vijai Laxmi Seth, Chief Post Master General Lucknow.
3. Sri Shyam Sunder Mishra Superintendent of Post Offices Budaun.
4. Shravan Kumar Sub Post Master Ujhani District Budaun.
5. Sri Vijai Bhushan Secretary Ministry of Communication Department of Posts New Delhi.

..... **Respondents**

Present for Applicant : Shri R.C. Gupta

Present for Respondents : Shri S. Srivastava

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

It is seen from the record that in Paragraph no.7 of the affidavit dated 20.05.2009 Shri B.P. Shukla, S.S. Pos Badaun Division stated that he has taken every step for compliance of the judgment and order passed by this Tribunal on 27.07.2004 in O.A. No.682 of 2003, although the respondents have not stated affirmatively that the order and direction of

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the Tribunal has been complied by them. It is also submitted that the respondents, who are responsible for compliance of the order and direction of the Tribunal dated 27.07.2004 has not been impleaded as one of the respondents in the contempt petition.

2. List has been revised. No one appeared for the applicant to press the contempt petition. It is settled principle of law that the contempt is a matter between the court and contemnor, therefore, we proceed to decide the present contempt petition after hearing learned counsel for opposite party and on the basis of pleadings on record.

3. In the instant case, although the respondents have stated that steps have been taken in compliance of the order and direction of this Tribunal dated 27.07.2004 but no particular has been submitted. The statement of fact enumerated in Para-7 of the affidavit dated 20.05.2009 clearly indicates that respondents have not committed any wilful disobedience of the order passed by this Tribunal. Accordingly Contempt Petition is dismissed. Notices issued to the respondent are discharged.


AM


JM

//Sushil//