

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

**C.P. (Civil) No. 260/0010/2021
(Arising out of OA No. 581 of 2020)**

CORAM:

**THE HON'BLE MR. SWARUP KUMAR MISHRA, MEMBER(J)
THE HON'BLE MR. T. JACOB, MEMBER(ADMN.)**

Pramod Kumar Hota, aged about 59 yeas, S/o. Pravakar Hota, resident of At-Gopinathpur, PO-Anakhia, PS. Biridi Road, Dist. Jagatsinghpur, Odisha, PIN-754 102 presently working as Postmaster, Jagatsinghpur, HO, Jagatsinghpur, PIN-754 103.

.....Applicant

Through Legal practitioner :Mr.C.P.Sahani, Counsel

-Versus-

1. Pradipta Kumar Bisoi, Secretary of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 001.
2. S.Mervin Alexander, in charge Chief Postmaster General, Odisha Circle, At-Yogayog Bhawan, 1st Floor, Kolkata-700012.
3. Aditya Kumar Nayak, Director of Postal Services (Hqrs.), O/o. CPMG, Odisha, Bhubaneswar, PIN-751001.
4. Gajendra Prasad Kar, Superintendent of Post Offices, Cuttack South Division, Cuttack, PIN-753 001.

..... Respondents

Through Legal practitioner :Mr. C.M.Singh, Counsel

Date of Hearing: 29.04.2021

Date of Order:09.07.2021

O R D E R

MR.SWARUP KUMAR MISHRA, MEMJBER (JUDL.)

The applicant has filed this Contempt Petition inter alia seeking imposition of punishment on the Respondents under section 17 of the Administrative Act, 1985 read with Second 12 of the Contempt of Courts Act, 1971 for intentional and deliberation violation of the order of this Bench dated 29/01/2021 in MA No. 15/2021 arising out of OA No. 581 of 2020. This Bench of

the Tribunal after considering the submissions of both sides vide order dated 29/01/2021, as an interim measure directed as under:

“5. In the circumstances in order to avoid any inconvenience to the public and the department, it is directed that the applicant will continue to serve as Postmaster, Jagatsinghpur SO until further orders. The official respondents are directed to take necessary steps to accommodate private respondent No.5 in any other suitable position in order to avoid any inconvenience to him and to the department. We are passing this order only as an interim measure so that the public in general and department in particular shall not face any hardship, keeping in view that we are going to hear the matter finally as expeditiously as possible within a short time.”

2. Heard. Perused records. It is ascertained from the learned counsel for respondents that the alleged non implementation of the order was not intentional or deliberate but for the reason that the order was not immediately brought to the notice of the authority concerned. However, by referring the order of the Hon'ble High Court of Orissa dated 29.1.2021 in WP (C) No. 5868 of 2021, learned counsel for respondents has prayed for disposal of this CP as infructuous. The applicant has failed to prove in this case that by the time Contemnor No. 4 took over charge of the post in question in early hour of 01.01.2021 and he was aware that any such interim order was passed by the Tribunal in question. The fact remains, as based on record, that by the time Contemnor No. 4 assumed charge of the post in question at Jagatsinghpur, after he was relieved from his previous place of posting, no such interim order was passed by this Tribunal in the OA in question. The said interim order was passed on the same day but after Contemnor No. 4 took over charge of the post in question at Jagatsinghpur. It has not been proved by the applicant that any of the Respondents were communicated the interim order of this Tribunal passed in the OA before Contemnor No. 4 joined in the post in question at Jagatsinghpur. Therefore there is no material to show that

any of the contemnors had intentionally or knowingly have violated interim order in question passed by this Tribunal in the said OA.

3. We find that the Respondents challenged the aforesaid ad interim order dated 29/01/2021 before the Hon'ble High Court of Orissa in W.P (C) No. 5868 of 2021 which was disposed of on 05/03/2021. The operative part of the order is quoted herein below:

“6. Considering the above, since the Original Application is pending before the Tribunal for adjudication, we dispose of this Writ Petition with a direction to the Central Administrative Tribunal, Cuttack Bench, Cuttack to dispose of OA No. 581 of 2020 on merits. However, we direct that petitioner No. 5 – Ranjan Kumar Sahoo shall continue in the post of Postmaster, Jagatsinghpur Head Post Office and Opposite Party No.1 shall hand over the charge to the Petitioner No.5 forthwith on production of certified copy of this order.”

4. In view of the above, the allegation of intentional and deliberate violation of the order or this Bench for which initiation of proceedings under contempt of court acts and rules as prayed for by the applicant in this CP fails and this CP is accordingly dropped. No costs.

(T. JACOB)
MEMBER (A)

(SWARUP KUMAR MISHRA)
MEMBER (J)