

Reserved

Central Administrative Tribunal, Allahabad.

Registration Civil Misc. Contempt Application
No. 16 of 1986

In

Registration O.A.No.175 of 1986

Jagannath Prasad Applicant

Vs.

T,R.Sharma and others Respondents.

Hon. D.S.Misra, AM
Hon. G.S.Sharma, JM

(By Hon. G.S.Sharma, JM)

This is a petition under Section 17 of the Administrative Tribunals Act XIII of 1985 read with Section 12 of the Contempt of Courts Act, 1971 for punishing the opposite parties for committing the contempt of this Tribunal by flouting its order dated 3.7.1986.

2. The relevant facts of this case are that the applicant was serving as a Lower Division Clerk (in short LDC) in the office of the Garrison Engineer, Military Engineering Services, Jhansi. On his promotion as Upper Division Clerk (in short UDC), he was transferred to Maharajpur vide order dated 3/7.1.1985. The applicant did not join at Maharajpur and presented an application under Section 19 of the Administrative Tribunals Act XIII of 1985 before

this Bench on 29.4.1986 for quashing his order of transfer and for adjusting him on the promotional post at Jhansi itself. The opposite parties were made as respondents and the said application was registered as case no.175 of 1986. On drawing a very pathetic picture of the hardships being suffered by the applicant on account of his transfer, on compassionate ground, this Bench issued an interim order in his case on 3.7.1986. The relevant portion of the said order runs as follows :-

"... In the meantime, if the petitioner has not already taken over charge in the office to which he has been transferred under the impugned order, his order of transfer shall remain suspended."

3. The case of the applicant is that with the copy of the aforesaid interim order, he reported for duty in his old office on 5.7.1986. The Garrison Engineer, O.P.no.1 allowed him to report for duty but did not give him anything in writing to join the duty in compliance with the orders of this Tribunal. It is further alleged that the applicant was neither given any work in the office nor was taken in the strength of the office nor paid his pay and allowances upto 31.7.1986 and thereby, the opposite parties committed a grave contempt of the Tribunal.

4. The application has been contested on behalf of the opposite parties and in the reply filed on their behalf, it has been stated that the applicant

was duly allowed to join his duty on 5.7.1986 on the receipt of the photostat copy of the interim order of this Tribunal. The applicant was also taken on the strength of the office and he made his initials in the attendance register as token of his presence and thereafter, he regularly signed the attendance register. The casualty regarding taking of the applicant on the strength was published on 21.7.1986, his pay bill was submitted to the Audit vide memo dated 24.7.1986, his application for the withdrawal from his GPF has already been sent to the Audit for necessary sanction and in this way, the opposite parties took all possible steps to implement the orders of the Tribunal and have not disobeyed the orders in any respect. The application is misconceived and no contempt of the Tribunal has, in fact, been committed in this case. The applicant filed a rejoinder reiterating his allegations and further stated that the opposite parties are harassing him and in this connection, he quoted an instance of charging extra rent of the official quarter.

5. Learned counsel for the parties appeared before us and supported their respective contentions. We have carefully considered the contentions raised before us and are of the view that the grievance of the applicant is not well founded. The opposite parties took no time in allowing the applicant to

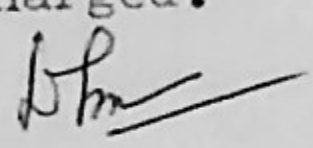
join his duty though in the meantime, a long period of about 18 months had already elapsed since his transfer. They also prepared his pay bill for the month of July and forwarded the same to the Audit Section as required under the rules. It appears from the own rejoinder of the applicant that he got his pay for the month of July with pay of Aug. 1986 and since then, he is regularly drawing his salary. It is for the opposite parties to take any work from the applicant or not. In case, no work has been assigned to the applicant and he is getting his pay regularly without any work, he should have no grievance against the same. The subsequent application of the applicant for withdrawal from his GPF was also forwarded for Audit and as such, we see nothing on the part of the opposite parties to show any disrespect to the interim order passed by this Tribunal. The question of charging extra rent from the applicant had taken place many years ago and the mistake was corrected by the Accounts Officer, Central Command vide his letter dated 13.6.1979 copy annexure R.A.4 filed by the applicant himself. There is, thus, absolutely no ground for taking any action against the Opposite parties for committing the contempt

22/6

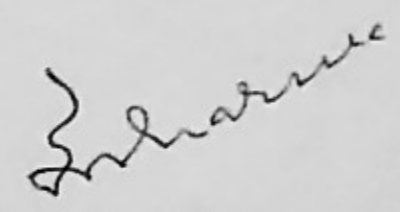
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of this Tribunal.

6. The application is accordingly dismissed and the notice issued to the opposite parties are discharged.



29.1.1987
Member(A)



29.1.1987
Member (J)

Dated 29.1.1987
kkb