

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH)
ALLAHABAD.

C.E.A. No. 28/88
D.A. No. 559/88
T.A. No.

C.E. 199

Date of decision: 14.8.92

..... Ballesh Sahai Petitioner

..... Mri. Salga. Vijay Advocate for the Petitioner.
Versus

..... T Respondent

..... Controller of stores, N.E. Rly. Gorakhpur Advocate for the Respondent.
Mri Lalji Sunka Advocate for Respondents.

xxx: xxxxxxxxxx: xxx

CORAM:-

The Hon'ble Mr. Justice U.C. Sinhasava - vs.

The Hon'ble Mr. K. Obayya - A.M.

1. Whether Reporters of local papers may be allowed to see the judgment? N
2. To be referred to the Reporter or not? N
3. Whether their Lordships wish to see the fair copy of the judgment? N
4. Whether to be circulated to all other Benches? W

W
Signature

Nagvi/

(1)

(5)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH- ALLAHABAD.

C.C.A. NO. 28 of 1988

IN

D.A. No. 559 of 1988.

Ballabh Sahai.....Applicant.

Versus

Controller of Stores N.E. Rly, Gorakhpur..... Opp. Party,

Hon'ble Mr. Justice U.C. Srivastava- V.C.

Hon'ble Mr. K. Obayya - A.M.

(By Hon'ble Mr. Justice U.C. Srivastava-V.C.)

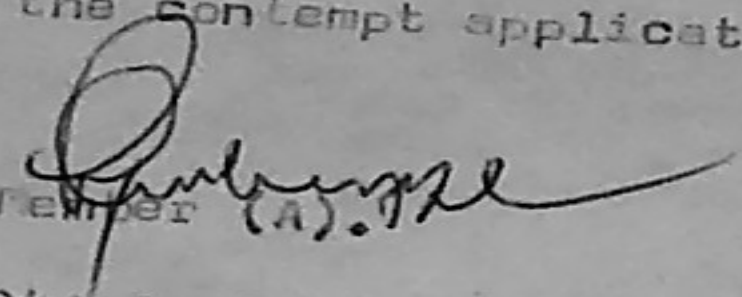
The applicant filed this contempt application before this Tribunal. The Tribunal considered the case on the date of admission and i.e. 13.5.80/ finally disposed of the application directing the respondent no. 2 to decide the appeal dated 7.7.87, if received in office within a period of three months after affording an opportunity of personal hearing to the applicant. The complaint of the applicant is that the copy of the said order was given to the respondent which was received in the office on 7.6.88. Yet the appeal was not decided as per directions of the Tribunal. Though he was informed that he was to attend the office of respondent no. 2 for personal hearing on 12.7.88, the applicant wanted permission to engage defence helper, but no action was taken on his request, with the result the applicant himself appeared before the appellate authority on 12.7.88 and submitted a brief note. The applicant who ~~xxxxx~~ retired from service against which an order, he filed a D.A., was not given any information regarding the disposal of the appeal i.e. why he filed this contempt application on 26.10.88. The

2. The respondents in their counter affidavit have pointed out that as a matter of fact the appeal was decided by the then Controller of Stores vide order dated 4.8.88 meaning thereby within the period of three months as directed by this Tribunal and the same was communicated to the applicant vide registered post on 28th January, 1989 and the envelop returned back with the endorsement refused.

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3. This fact makes it now clear that the appeal was decided within the time and it can ^{not} be said that any contempt has been committed. If communication was sent late, but it was sent. The date it was posted in post office, it can be said that it reached the addressee. Deciding of the appeal ^{and sending} / this communication are not one and the same and accordingly no contempt has been committed and the contempt application is dismissed.


Member (A).

Dt: Aug: 14, 1992.

(DPS)


Vice Chairman.