

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 5th day of December, 2001.

Contempt Application No. 77 of 2000.

In

Original Application No. 857 of 1992.

CORAM:-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiuddin, J.M.

1. Narendra Kumar S/o Sri Vasant Kumar, Resident of Maitri Nagar, Armapore Estate, Kanpur, presently employed as Examiner (SS), T.No. 1050/HT, Ordnance Equipment Factory, Kanpur.
2. Arun Kumar S/o Sri Krishna Lal, Resident of 3/49, Adarsh Nagar, Shuklaganj, Unnao, presently employed as Examiner (SS), T.No.57/0A, Ordnance Equipment Factory, Kanpur.
3. Khuman Son of Sri Laloo Resident of 2/117, Kanchan Nagar, Shuklaganj, Unnao/presently employed as Examiner (SS) T.No.2095/HT, Ordnance Equipment Factory, Kanpur.
4. Jagjiwan Lal Son of Late Bramha Lal, Resident of 3/44, Adarsh Nagar, Shuklaganj, Unnao, presently employed as Examiner (SS), T.No.2087/HT, Ordnance Equipment Factory, Kanpur.
5. Badri Prasad Son of Ram Din, Resident of 3/42, Adarsh Nagar, Shuklaganj, Unnao, presently employed as Examiner (SS) T.No.2171/HT, Ordnance Equipment Factory, Kanpur.
6. Vinod Kumar, Son of Raja Ram Kushwaha, Resident of Village Sheobux Post Korari Kalan, District Unnao, presently employed as Examiner (SS), T.No.11/TCS, Ordnance Equipment Factory, Kanpur.
7. Shiv Kumar Yadav S/o Sri Madhusudan Yadav, Resident of 42-D/3, Netaji Nagar Krishna Nagar, Kanpur presently employed as Examiner (SS), T.No. 354/LT, Ordnance Equipment Factory, Kanpur.
8. Ashok Kumar Pandey, Son of Sri Jagdamba Prasad Pandey, resident of 117/319 'O', Block, Gita Nagar, Kanpur, presently employed as Examiner (SS), T.No.1475/L.T., Ordnance Equipment Factory, Kanpur.

9. Dilip Kumar Son of Sri Moti Lal Agrawal, Resident of 20/71, Ram Narain Bazar, Kanpur, presently employed as Examiner (SS), T.No.1403, L.T. Ordnance Equipment Factory, Kanpur.
10. Munare Son of Sri Ram Charan Resident of 2/117, Kanchan Nagar, Shuklaganj Unnao, Examiner (SS), T.No. 816/TM, Ordnance Equipment Factory, Kanpur.
11. Daya Nand Son of Sri Kanhaiya Lal Kushwaha, Resident of 43/1, Juhi Colony, Kanpur, presently employed as Examiner (SS) T.No.09/RS, Ordnance Equipment Factory, Kanpur.

(Sri MK Upadhyaya, Advocate)

..... .Applicants

Versus

1. Sri Praveen Sen Gupta, Secretary, Ministry of Defence, Department of Defence Production, Government of India, New Delhi.
2. Sri D. Raj Gopal, Chairman, Ordnance Factory/Director General Of Ordnance Factories, 10A, Auckland Road, Calcutta.
3. Sri Sushil Gupta, General Manager, Ordnance Equipment Factory, Kanpur.

(Sri Amit Sthalekar, Advocate)

..... .Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. S. Dayal, A.M.

This contempt petition has been filed for initiating proceedings against the respondents for contempt of Court for wilful disobedience of the order dated 31-3-2000 in OA No.857/1992, whereby the respondents were directed to fix pay of the applicant as per Government of India direction mentioned in the body of the order with consequential benefits within three months from the date of communication of the order.

2. The respondents have filed their short counter reply in which they have mentioned that CBDT Circular dated 30-11-1998 was not available to the respondents

in the Ministry of Defence and they have also stated that the said circular dated 30-11-1998 has been treated as suspended vide Govt. of India and the circular has been treated as suspended and withdrawn in terms of D.O.P.T. circular dated 7-5-1999. The respondents have also mentioned that they had filed a writ petition no. 34428/2000 in the High Court of Judicature at Allahabad against the order of the Tribunal. The respondents have filed another Supplementary counter affidavit in which they have mentioned that the order of the Tribunal has been stayed by the High Court in the said writ petition vide order dated 8-8-2001. We are, thus, of the view that contempt petition does not survive now.

3. Learned counsel for the applicant raised the issue that if the writ petition is dismissed by the Hon'ble High Court, he would not be in a position to file any contempt petition because of dropping of contempt proceeding in this case. We are of the view that the High Court shall have to pass orders regarding either amendment of the order passed by the Tribunal or rejection of the writ petition. In that case the contempt would be of the order of the High Court. In that case the contempt proceedings would lie before the High Court. In view of above, the contempt proceedings are dropped and notices issued are discharged.


Member (J) Member (A)

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