

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

C.C.A. No. 500 of 1993

IN

O.A. No. 1407 of 1992

Dated: 25.1.1995

Hon. Mr. S. Das Gupta, A.M.
Hon. Mr. J.S. Dhaliwal, J.M.

Anand Vilas Mangain, son of Sri
 Surya Mani Mangain, Resident of
 Village Akhinath, P.O. Ukimath,
 District Chamoli.

PETITIONER.

(By Advocate Sri S.C. Mangain)
 VERSUS

1. Sri G.D. Khemani, Director
S.S.B. R.K. Puram, New Delhi.
2. Sri Satyawar Singh Pangety
Incharge Area Organiser, Chamoli.
3. Sri B.C. Vohra, Area Organiser
S.S.B. Chamoli at Gopeshwar. ... Opp. Parties.

(By Advocate Sri Amit Sthaleker)

ORDER

(By Hon. Mr. S. Das Gupta, A.M.)

None for the applicant. Sri A. ^tShaleker, who
 is representing the respondents in the O.A. No.
 1507 of 1992, is present in the court. It is seen
 from the averments in the contempt application that
 the same is regarding non-compliance with the
 interim order passed ^{by} a Bench of this Tribunal
 on 16.10.1992 in O.A. No. 1407 of 1992. By this
 interim order, the respondents were directed that
 the applicant may not be repatriated to his
 parent department, if he ~~has~~ not already been

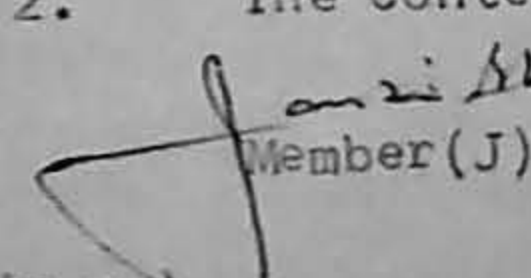
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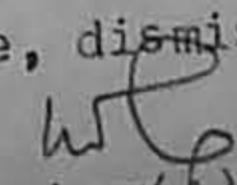
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relieved.

2. It appears ~~from~~ from the order-sheet that on 8.4.1993, an order was passed directing the respondents to file their reply within 4 weeks to enable the court to decide whether the contempt proceedings should be initiated in this case. Thereafter it appears that the case ^{was} ~~was~~ ^{having} ~~was~~ considered by Division Bench. On 12.5.1993 and 25.3.1994, when the case was listed before Division Bench, none appeared on behalf of the applicant. ^{As} ~~Since~~ more than one year has elapsed since the cause of action had arisen in this case, no proceedings can be initiated against the respondents for contempt of court. In any case, we find from the averments made in the counter reply submitted by the respondents in the O.A. No. 1407 of 1992 that the applicant was actually repatriated on 30.9.1992 whereas, the interim order was passed on 16.10.1992. It is well settled that what has already been done cannot be undone by an interim order. In that view of the matter also, it is clear that there is no case of contempt of this court by the respondents.

2. The contempt petition is, therefore, dismissed.


Member (J)
(n.u.)


Member (A),