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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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C.C.P. No. 1820 of 1993  
( O.A. No. 462 of 1993 )

*Decawdy*  
Dated: 2 November, 1994.

K.L. Verma, son of late Mansukh Lal,  
formerly AGE(MES) Gorakhpur, presently  
AGE(MES) Babina ... Applicant.

( By Advocate Sri Lt.Col. Ashok Kumar )

Versus

1. Shri K.A. Nambiar, Secretary  
Ministry of Defence New Delhi.
2. Lt. Gen. V.N. Kapur, Engineer in Chief,  
Kashmir House, DHQ PO New Delhi ... Respondents.

( By Advocate Sri N.B. Singh )

Hon. Mr. S. Das Gupta, Member(A)  
Hon. Mr. T.L. Verma, Member(J)

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

This contempt petition has been filed for  
alleged disobedience to the directions contained  
in this Tribunal's order dated 12.3.1993 by which  
O.A. No. 462 of 1993 was disposed of.

2. The above mentioned O.A. was filed  
challenging the order by which the applicant was  
transferred from Gorakhpur to Babina. The applicant  
had claimed to have preferred an appeal under Sec.  
23(iv) of C.C.S.(CC&A) Rules, 1965 against the  
impugned order of transfer and the same was

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stated to be pending at the time when the application came up for hearing. The same was disposed of by the order dated 12.3.1993 with the following observations/directions;

"I feel that no appeal is provided under rule 23(iv) of CCS(CC&A) Rules, 1965 against the transfer order. The respondents however, may treat it and directed to dispose of the siad representation (Annexure-A 1) within a period of 30 days from the date of communication of this order. In the meantime the applicant may not be relieved from duty on transfer."

It appears that thereafter a review petition was filed by the respondents and the review application No. 759 of 1993 was disposed of with the following observations by the order dated 23.6.1993;

"The applicant in the original application has not disclosed the fact that he was already relieved and struck off from the strength of Gorakhpur. The petitioner-respondents very well could have disposed of the representation of the applicant observing that the applicant had been already relieved and struck off from the strength of Gorakhpur instead of presenting this review petition. Assuming if the applicant was not relieved on transfer, still the respondents could have disposed of the representation the conditional order passed in favour of the applicant for not being relieved, would have automatically vacated."

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3. The applicant has alleged that the orders of the Tribunal were duly communicated to the respondents, but despite this, they have not complied with the directions of the Tribunal and his representation has not been disposed of.

4. A counter affidavit has been filed on behalf of the respondents in which it has been averred that the directions of the Tribunal has been fully complied with and the representation of the applicant has been disposed of.

5. We have heard the learned counsel for both the parties and have gone through the pleadings of the parties.

6. The applicant himself has annexed a copy of the telegram issued by one K.P. Singh Admin Officer for Commander Works Engineers. A copy of the telegram which is at enclosure A- 4 reads as follows;

"Posting Officers AAA REF Your Application For Posting Choice Stations For ~~2nd~~ Second Year Ninetythree Considered And Rejected by Competent Authority."

According to the applicant, this telegraphic message does not constitute a proper disposal of his representation, <sup>p</sup>Firstly, because it has been signed by <sup>a</sup>sub-rodinate officer and secondly because no reasons have been indicated in the said message. Another point has also been

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raised by the applicant as <sup>regards</sup> records the admissibility of the C.A. itself since the same has not been filed by the alleged contemnors.

7. The direction of the Tribunal contained in the order dated 12.3.1993 is only for disposal of the representation within the specified period. It did not direct that a reasoned order shall be passed or that the same should be disposed of at any particular level. The telegraphic message at Annexure- A 4 indicates that the representation was considered by the competent authority which rejected his application. No doubt, this order does not contained any reasons for rejecting the same. However, since the Tribunal's order itself does not specify recording of the reasons nor does it specify the level at which the representation should be disposed of, it cannot be accepted that the telegraphic message at Annexure- A 4 by itself constitutes any wilful or deliberate violation of the Tribunal's order. Whether or not, the manner in which the representation has been disposed of gives a rise to a fresh cause of action, the fact remains that the message at Annexure- A 4 does constitute a disposal of the representation and the submission that this was signed by a Junior Officer, is not relevant since he has only conveyed the decision of the

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competent authority.

8. In the above view of the matter, we find that no case has been made out as regards the <sup>willful</sup> ~~lawful~~ or deliberate violation of Tribunal's order dated 12.3.1993. The contempt petition is, therefore, dismissed. Notices issued are discharged.

*J Men*  
Member(J)

*W R*  
Member(A)

(n.u.)