

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 1ST DAY OF DECEMBER, 1994

Civil Contempt. Petition No. 10 of 1994

In

Original Application No. 53 of 1993

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S.DAS GUPTA, MEMBER(A)

Dr. Mrs. Kamaljeet, D/o Shri Sohan
Singh Ahluwalia, Resident of Asstt.
Medical Officer O.E. & P Factories
Hospital, Ordnance Equipment Factory
Kanpur.

..... Applicant

BY SHRI SUDHIR AGRAWAL ADVOCATE

Versus

1. Shri V.K. Kapoor
Secretary, Ministry of Defence
New Delhi
2. Shri Dwarka Nath
The Director General, Ordnance
Factories Board, 10- Auckland Road
Calcutta
3. Shri S. Ramaswamy
General Manager, Ordnance Equipment
Factory, Kanpur.

.... Respondents

BY ADVOCATE SHRI ASHOK MOHILEY

O R D E R (ORAL)

JUSTICE B.C. SAKSENA, V.C.

The applicant through ~~the~~ O.A. No. 53 of 1993
had challenged an order for her transfer dated 30.12.92. The
said O.A was decided by an order passed by 10.8.93. It was
held that the transfer order dated 30.12.92 was ~~barred~~^{bad} in law
and punitive in nature as a result of colourable exercise
of power and therefore the same was set aside, with a

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direction that there shall be no break in service of the applicant from the date the administration treated her relieved on transfer from O.F. Hospital Kanpur and that she shall be deemed to continue to be posted at O.F Hospital Kanpur with all consequential benefits of pay and allowances etc. It was further directed that the respondents shall keep her transfer in abeyance till the accademic session of her son is completed i.e. upto March 1994. Subsequently an order dated 4.10.93 was passed amending the earlier order dated 30.12.92. Para 2 of the said order was modified and para 3 was to remain unchanged.

2. The applicant filed ^{this} a contempt petition alleging that ^{said} the order of 4.10.93 amounts to wilful disobedience of the order passed in O.A. No. 53/93. Subsequently it appears that ^{an} the order dated 3.5.94 was passed indicating that the order of 30.12.92 and also the amending order of 4.10.93 are cancelled.

3. In view of the circumstances ^{that} the respondents have ^{retraced} ~~retained~~ their steps and have cancelled both the orders, the CCP in our opinion, no longer survives for any further orders. It is accordingly disposed of. The notices issued to the respondents are discharged.

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MEMBER(A)

B. Sakseena
VICE CHAIRMAN

Dated: 1.12.1994

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