

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Allahabad this the 5th day of April 1995.

Contempt Application no. 11/of 1995.

In

Original Application no. 1029 of 1994.

Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. J.S. Dhaliwal, Judicial Member.

D.P. Gupta, S/o Late Shri Kishan Lal, Retired Assistant Foreman (L/T), O.E.F., Kanpur. R/o House No. 304/18, Anand Mohal, Harjinder Nagar, Kanpur.

... Applicant.

C/A Shri M.A. Siddique.

Versus


- i. Shri P.K. Ghosh, D.D.G/A.N.G., Ordnance Factories Board/DGOF, 10, Auckland Road, Calcutta-1.
- ii. Shri Ramaswamy, General Manager, OEF, Kanpur.
- iii. The Controller of Accounts (Factories) By name. OFB/DGOF, 10-A Auckland Road, Calcutta.

... Respondents.

C/R Shri ---

O R D E R

Hon'ble Mr. S. Dayal, Member-A

 This is a petition under section 17 of the Administrative Tribunal Act, 1985 for initiation of contempt proceedings under the Contempt of Courts Act

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against the respondents for their wilful disobedience of the interim order passed by the Tribunal on 05.08.94 in O.A. 1029 of 1994.

2. The learned counsel for the applicant has been heard regarding the admission of this petition. The learned counsel invited our attention to paragraph 1 of his petition which states that the Original Application No. 1029 of 1994 has been filed to get the order of reversion dated 13.12.93 from the post of Assistant Foreman to that of Chargeman quashed and seek the direction of the Tribunal for restoration of the applicant to ~~its~~ ^{his} original post. This Tribunal by its interim order dated 05.08.94 as given in Annexure C.P.1 stayed the operation of the order dated 13.12.93. The applicant has now filed this petition to bring to the notice of the tribunal the alleged wilful disobedience of its order by not granting increment falling due in January, 1994, and by not calculating the pensionary benefits on the basis of Rs. 2900 p.m. as basic pay w.e.f. January, 1995. The applicant has mentioned that he retired on 30.09.94 during the pendency of Original Application.

3. We have perused the application with its annexures. The applicant has stated in paragraph 4 of his application that the respondents have stayed the operation of the order of reversion dated 13.12.93 till the date of his superannuation which is 30th September, 1994. This is also confirmed in a copy of representation

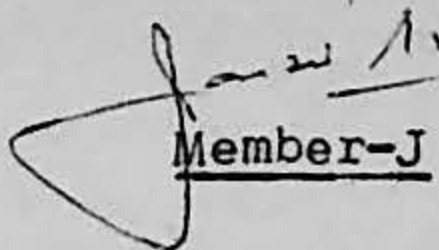
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at Annexure CP-II.

4. The facts brought to our notice by the applicant do not establish wilful disobedience by the respondents of the order of the Tribunal. On the contrary, they have passed orders in compliance of the interim order given by the Tribunal to the applicant. Therefore, the request of the applicant for initiation of contempt proceedings against the respondents made in his application is rejected at the admission stage itself.

5. There shall be no order as to costs.


Member-J


Member-A

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