

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Civil Contempt Petition No. 54 of 1995

THIS THE 17TH DAY OF APRIL, 1996

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

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

Hari Shanker Tripathi

Son of Sri Harsu Prasad Tripathi

R/o D-25/21 Ganga Mahal

Bangali Tola, Varanasi.

..... Applicant

BY ADVOCATE SHRI VISHUN GUPTA

Versus

S.C. Jain, Divisional Commercial
Manager, Eastern Railway, Moghal
Sarai, Varanasi

.... Respondents

O R D E R (Oral)

JUSTICE B.C. SAKSENA, V.C.

We have heard the learned counsel for the parties. The applicant had filed QA 1515/94 challenging an order dated 8.11.93 by which the applicant had been suspended in contemplation of Departmental proceedings. A Division Bench of this Tribunal at the admission stage itself passed an order on 11.11.94 ex parte i.e. to say that in the absence of any notice having been issued, the said order directed^{ed} the respondents to serve a charge sheet on the applicant within two months from the date of service of the order and complete the inquiry within six months from the date of service of the charge sheet. It was further provided that in case the charge sheet is not served within the appointed time, the order of

suspension shall stand automatically revoked.

2. The respondents in their counter affidavit have indicated that the order of suspension had already been revoked on 13.4.94 and a charge sheet was also issued to the applicant dated 7-4.94. Since the applicant has not been attending the office and had been absconding and his whereabouts were not known the order revoking the suspension as also the charge sheet could not be served. Be that as it may. We are considering the question of disobedience in complying the directions given in the order dated 11.11.94. The learned counsel for the applicant has not been able to indicate any specific directions given therein which can be said to have not been complied, ^{Before} ~~and~~ the passing of the order by this Tribunal ~~and~~ the applicant has also been served with the charge sheet. The order dated 11.11.94 only provided that if the charge sheet was not served within two months, the order of suspension shall stand revoked. There is no further direction.

3. The learned counsel for the applicant tried to urge that under the relevant provision of certain rules the applicant would be entitled to arrears of salary etc if the order of suspension is revoked. No such ^{Submission} ~~provision~~ would be ^{enter} ~~maintainable~~ in a contempt petition. The contempt petition therefore fails and is accordingly dismissed. Notices issued to the respondents are discharged.

MEMBER (A) ^W

^{B. Saksene}
Vice Chairman

Dated: 17th April, 1996

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