

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

\*\*\*\*\*

Allahabad this the 28<sup>th</sup> Day of October 1996.

Contempt application No. 97 of 1995

In

Original application No. 381 of 1995.

Hon'ble Dr. R.K. Saxena, JM  
Hon'ble Mr. D.S. Baweja, AM

Jagatdhari Yadav, S/o Sri Purshottam,  
presently posted as Extra Departmental  
Delivery Agent, Post Office Pipraon,  
Tehsil Meja, District Allahabad.

..... Applicant.

C/A Sri R.D. Singh

Versus

1. T.B. Singh, Sub Divisional Inspector,  
(S.D.I.) Meja, Allahabad.
2. Ramglal Duevey, Extra Departmental  
Branch Post Master Pipraon, District Allahabad.

..... Respondents.

C/R Sri S.C. Tripathi

ORDER

Hon'ble Mr. D.S. Baweja, AM

This Contempt application has been filed  
alleging non-compliance of the directions in the interim  
stay order dated 26.4.95 in O.A. 381/95.

2. Original application No. 381/1995 has been  
filed by the applicant challenging the impugned order

Cont d...2....

②

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

\*\*\*\*\*

Allahabad this the 28<sup>th</sup> Day of October 1996.

Contempt application No. 97 of 1995

In

Original application No. 381 of 1995.

Hon'ble Dr. R.K. Saxena, JM  
Hon'ble Mr. D.S. Baweja, AM

Jagatdhari Yadav, S/o Sri Purshottam,  
presently posted as Extra Departmental  
Delivery Agent, Post Office Pipraon,  
Tehsil Meja, District Allahabad.

..... Applicant.

C/A Sri R.D. Singh

Versus

1. T.B. Singh, Sub Divisional Inspector,  
(S.D.I.) Meja, Allahabad.
2. Ramglal Duevey, Extra Departmental  
Branch Post Master Pipraon, District Allahabad.

..... Respondents.

C/R Sri S.C. Tripathi

ORDER

Hon'ble Mr. D.S. Baweja, AM

This Contempt application has been filed  
alleging non-compliance of the directions in the interim  
stay order dated 26.4.95 in O.A. 381/95.

2. Original application No. 381/1995 has been  
filed by the applicant challenging the impugned order

Cont d...2....

②



dated 4.4.95 as per which the services of the applicant as Extra Departmental Delivery Agent, Pipraon were terminated and directed to hand over the charge. An interim stay as under was granted vide order dated 26.4.95:-

"The learned counsel for the applicant also prayed for staying the operation of the impugned order dated 4.4.95. This order appears to have come into effect but the learned counsel for the applicant states that the applicant has not yet handed over the charge. Let this matter come for orders on 15.5.95. Meanwhile the status-quo in respect of the applicant as on date be maintained."

The interim stay was extended further as per the order dated 29.5.95.

3. The applicant submits that after the service of the interim stay order dated 26.4.95 on respondent No. 4, Sub Divisional Inspector, Meja Allahabad in original O.A. and No. 1 in the present Contempt application, the applicant requested to hand over the charge to him. However the respondent <sup>No. 4</sup> handed over the charge to his nine years old son without following the procedure and obtaining the signature of the applicant on the charge report. As a result, the respondents have wilfully and deliberately not complied with the interim stay order and therefore committed the Contempt of Court.

4. Sh. T.B. Singh, Sub-Divisional-Inspector (S.D.I.) Meja, Allahabad, respondent No. 4 in the O.A. and respondent No. 1 in this application has filed the counter affidavit. No counter affidavit has been filed by the respondent No. 2. Senior Superintendent of Post Office Allahabad Division has also filed supplementary affidavit on behalf of the respondents. The applicant has filed the rejoinder reply.

5. In the counter affidavit, it is submitted by the respondents that the applicant was appointed as a substitute of Sh. Ramji Yadav. Sh. Ramji Yadav was put off duty on 8.4.95 and the applicant who was the substitute of Sh. Ramji Yadav was also discharged on 8.4.94. At present Om Prakash Dubey is working as a substitute on the responsibility of Sh. Rang Lal Diwedi E.D.B.P.M. Pipraon. The applicant was discharged from the post on 8.4.95. The interim stay order had been passed on 26.4.95 for maintenance of status quo. In view of this position, the question of disobedience of the order of the Tribunal as alleged by applicant does not arise. The order was to maintain status quo and the same was complied <sup>with</sup> accordingly.

6. In the rejoinder reply, the applicant has averred the <sup>same</sup> grounds in support <sup>as in</sup> his original application No. 381/95 challenging the termination of his services. However it is also reiterated that the charge had been handed over by the respondent No. 1 (respondent No. 4 in O.A. 381/95) to his nine year old son without following the procedure <sup>of</sup> handing over and taking over charge.

7. We have heard the counsel of the parties. We have also given careful thought to the pleadings and arguments during the hearing and the material placed on record.

8. As per the interim stay order reproduced in para e above, the Bench had observed that the impugned order appears to have been effected. However based on the statement made at Bar by the counsel of the applicant, that the applicant has not handed over charge, it was



ordered to maintain the status quo as on date. The respondents have strongly contended that the applicant had been discharged from the post from 8.4.95 much before the interim stay granted on 26.4.95. After careful consideration of the rival contentions and the material placed on record, we find force in the submission of the respondents. The applicant himself has brought document on record at annexure-A-2 which shows that some Sh. Om Prakash Dubey had been engaged as a substitute on 18.4.95. The applicant both in the application as well as in the rejoinder has averred that after service of the interim stay order, he requested respondent No. 4 for handing over the charge. If the statement made at bar was true, then as per the same, the applicant was still on job. If it was so, then the question of handing over charge to the applicant would have not arisen and status quo would have been maintained. From the material on record, it transpires that the applicant was discharged from the post from 8.4.95 and the some body had been engaged as substitute on 18.4.95. The impugned termination order had become effective before 26.4.95. The contention of the applicant that ~~the~~ after service of the interim stay order, the respondent No. 4 instead of handing over charge to the applicant handed over the charge to his nine years old son, is also without any basis. The applicant has not disclosed the name of the son of respondent No. 4 and the name of the substitute mentioned by respondents and confirmed in A-2 has not been specifically refuted by the applicant. As per interim stay order status quo as on date was to be maintained. Therefore this order did not imply that even if the applicant had been already discharged and termination order having been effective, the applicant was to be handed over charge.

:: 5 ::

9. In view of the above facts, we do not find any disobedience of the interim stay order dated 26.4.95 as alleged by the applicant. There is no case of Contempt of Court and the application is accordingly dismissed. The contempt notices are discharged.

*A. K. Singh*  
Member - A

*P. D. Saxena*  
Member - J

Arvind.