

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

CONTEMPT PETITION NO.20 OF 1999
(Arising out of O.A. No.91 of 1999)

Allahabad, this the 26th day of May, 1999.

CORAM : Hon'ble Mr.S.Dayal, Member (A)
Hon'ble Mr.S.K.Agrawal, Member (J)

Jyoti Prasad,
S/o. Late Shri Dal Chand,
R/o. 45, Ashok Colony,
Pilibhit.Applicant

By Sri Ajay Rajendra, R.C.Pathak, Advocates.

Versus

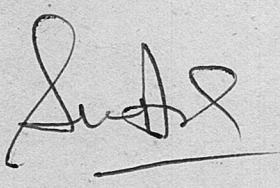
1. Ashok Kumar,
S/o. not known
Chief General Manager,
Telecom U.P.West Circle, Dehradun.
2. U.N.Bajpai,
Telephone District Manager,
Rampur.

.....Opp.Parties.

(By Sri S.Mandhyan, Advocate)

ORDER

(By Hon'ble Mr.S.K.Agrawal, Member(J))

 This is an application under Section 17 of Administrative Tribunal Act, 1985 arising out of the order dated 9-2-99 passed in O.A.No.91/99 pending before this Tribunal.

2. On 9-2-99 this Tribunal passed the following order :-

"In view of this controversy we only provide that status-quo should be maintained as on

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today till the prayer for interim relief is considered."

3. It is stated by the applicant that interim order issued on 9-2-99 was extended from time to time which is still operating. It is further stated that when the applicant resumed his duty as D.E.(Phones) Pilibhit on 11-2-99 respondents became annoyed with the applicant and to frustrate effect of the order dated 9-2-99. He deputed Sri K.N.Tiwari on 12-2-99 to look after the work of D.E.(Phones) Pilibhit. Clerk was also transferred to Puranpur and Peon and official jeep was also withdrawn by T.D.M., Rampur and telephone facilities at residence was also disconnected. Therefore, the applicant has submitted that T.D.M. Rampur deliberately and wilfully disobeyed the order passed by this Tribunal on 9-2-99. Therefore a prayer has been made to punish the alleged contemnors for wilful disobedience.

4. Sri Satish Mandhyan appeared for the opposite parties and submitted that counter/supplementary counter filed in O.A. may be taken into consideration for this purpose.

5. On the persual of counter, it appears that the applicant was relieved on 27-1-99 and the name of applicant was struck off from the strength of T.D.M. Rampur w.e.f. 27-1-99 and the applicant was informed regarding non-acceptance of his joining vide letter dated 12-2-99. It is also clear from the counter that Sri Tiwari who was posted at Pilibhit was deputed to look after the work of D.E.(Phones) Pilibhit on 5-2-99. All the allegations were denied by the opposite parties in the counter/Supplementary Counter Affidavit and stated specifically that officiating arrangements of the

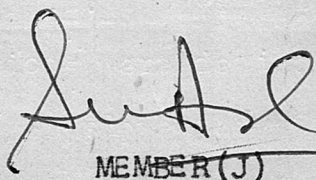
applicant were terminated vide order dated 7-1-99 and thereafter officiating arrangements of 19 persons were made by applying 200 point roster according to the seniority, and the applicant is still lower down as per his seniority and roster point. Therefore, O.A. filed by the applicant is devoid of any merit.

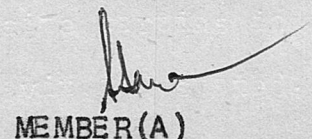
6. In view of the counter/Supplementary Counter filed by the respondents, we are of the considered opinion that no deliberate/wilful disobedience could be established by the applicant against the opposite parties.

7. Disobedience of Court's order constitute contempt only when it is wilful or deliberate. It is the duty of the applicant to prove that action of the alleged contemnors to disobey the order of this Tribunal was intentional.

8. In the instant case in view of the detailed submissions made by the opposite parties in Counter Affidavit/Supplementary Counter Affidavit no inference of intentional/wilful disobedience can be drawn against the alleged contemnors. Applicant also failed to establish the wilful/deliberate disobedience on the part of the alleged contemnors in this case. Therefore, this contempt petition fails and is liable to be dismissed.

9. We, therefore, dismiss this contempt petition having no merits.


MEMBER (J)


MEMBER (A)

satya/