

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 19th day of April 2000.

CONTEMPT PETITION NO. 24 OF 1999

IN

ORIGINAL APPLICATION NO. 237 of 1999

CORAM : Hon'ble Mr. Rafiq Uddin, Member (J)

Hon'ble Mr. S. Biswas, Member (A)

Satish Chandra Sharma,

S/O Late Ram Das Sharma,

Loco Foreman, Northern Railway

Varanasi.

..... Applicant

C/A Shri Ashok Nath Trapathi

Versus

1. Karunesh Srivastava, Assistant Mechanical Engineer,
Northern Railway,

Varanasi.

2. T.N. Verma, Divisional Mechanical Engineer (Power),
Northern Railway,

Lucknow.

..... Respondents

C/R Shri P. Mathur

O R D E R

(By Hon'ble Mr. Rafiq Uddin, Member (J))

This contempt petition has been filed
for punishing the respondents for disobeying the
interim orders dated 30.03.1999 and 12.04.1999

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passed in O.A. 273/99. The O.A. No. 273/99 was filed by the applicant for cancellation of his transfer order dated 21.12.98 whereby the applicant was transferred from Varanasi to Lucknow. This Tribunal passed the following interim order at the time of admission of the O.A. which reads as under :-

"Sri A.N. Tripathi for the applicant.

Sri P. Mathur filed Vakalatnama on behalf of respondents and seeks ten days time to file C.A., allowed. Till such time statusquo as on date to be maintained. List for orders on 12.4.99.

2. It appears that the aforesaid interim order was extended till next date by this Tribunal vide order dated 12.04.99.

3. The petitioner now alleges that the petitioner requested the respondent No. 1 to allow him to work on his post in terms of aforesaid interim order. But the petitioner alleges that the respondent No. 1 started abusing the Tribunal and stated that he would not allow the applicant to work on his post.

4. The respondents in their counter reply have opposed this petition being ~~not~~² not maintainable on the ground that the petitioner is not on the rolls of the Locomotive in Varanasi w.e.f. 25.12.98 as he had already been spared/relieved from Varanasi

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JM

24.12.99. In pursuance of his transfer order dated 21.12.98 to join at Lucknow. Since the petitioner has been relieved/spared on 24.12.98. One Shri Ram Sewak Singh Section Engineer (Loco) Varanasi working as Incharge Section Engineer (Loco) Varanasi since 24.12.98 in place of the petitioner. This Tribunal on 30.3.99 by the interim order in question simply directed for maintaining the status quo as on 30.3.99 in respect of petitioner. Consequently in compliance of the aforesaid interim order the petitioner cannot report for duty at Varanasi. It is also denied that the petitioner submitted any representation dated 3.4.99 to the respondent No. 1. We have heard party's counsel and perused the record. After having heard the party's counsel and perused the record we are convinced that the present petition is not maintainable and is liable to be dismissed for the reasons, firstly the O.A. 237/99 has already been dismissed on merit, hence no contempt petition is maintainable for alleged disobedience of any interim order during the pendency of the O.A.

5. Secondly we are satisfied that there are no grounds for holding that the respondents have committed any contempt by disobeying the interim order in question. This Tribunal on 30.3.99 merely directed to maintain the status quo in respect of the petitioner as on that date. It is evident from the record that on 30.3.99 petitioner had already been relieved from his duty and one Ram Sewak Singh had taken charge from him and was working

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on the post held by the petitioner on 24.3.1999.

This Tribunal had not issued any mandate directing the respondents to permit the petitioner to join duty at Varanasi.

The contempt petition is dismissed.

S. Banerjee
Member (A)

Ratnayakne
Member (J)

/s.p./