

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 12<sup>th</sup> day of November, 1999.

CIVIL CONTEMPT PETITION NO.37 OF 1999

IN

Original Application No.954 of 1998

Coram : Hon'ble Mr.S.Dayal, Member(A)  
Hon'ble Mr.Rafiq Uddin, Member(J)

Smt. Sunanda Prasad, I.A.S.,  
Commissioner/Administrator,  
Ram Ganga Command Area,  
Kanpur.

.....Petitioner

(By Shri D.V.Singh, Advocate)

Versus

1. Yogendra Narayan, Chief Secretary  
Govt.of U.P. Lucknow.
2. Sudhir Kumar, Secretary, Appointment,  
Govt.of U.P. Lucknow.
3. Devesh Chaturvedi, Special Secretary,  
Appointment, Govt.of U.P.,  
Lucknow

..... Contemners/  
Opp. Parties.

(By Shri Ashok Mehta/Shri K.P. Singh,Advocates)

O R D E R

(By Hon'ble Mr.S.Dayal, Member(A) )

This is a contempt petition seeking punishment  
for contempt against the opposite parties for willful  
and deliberate disobedience of order dated 8.9.98 in  
original application No.954/98.

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2) The order dated 8.9.98 runs as follows :-

"Applicant with Shri W.H.Khan Advocate, Shri K.P.Singh, Advocate for respondent No.2 and 3. Shri D.S. Shukla advocate for respondent No.1. Heard the parties. The applicant has taken over the charge in compliance of order No.6677 as Commissioner and Administrator Ram Ganga Command Area Development Project, Kanpur. There is no dispute in respect of the fact between the parties. The respondent's counsel stated that the applicant can continue on the said post. The applicant's counsel has no objection in it.

Vide order No.6689 dated 1.9.1998 the applicant is asked to hand over the charge as Adhyaksha (Chairman) U.P. Small Scale Corporation and she is ordered to do so subject to the result of this OA.

Respondent's counsel seeks seven days time to file short C.A., allowed. The applicant to file R.A. if any within one week. List this case for admission on 23.9.98.

Copy of the order and OA be supplied to the respondents counsels."

3) Shri D.V. Singh appeared for the applicant and Shri Ashok Mehta assisted by Shri K.P. Singh for the opposite parties. Learned counsels were heard. They sought permission to file written brief, but no written brief has been filed by the counsels in this case, hence the order is being passed without waiting anymore for written briefs.

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4) The contention of learned counsel for the applicant is that the respondents had given an undertaking to continue the applicant on the post of Commissioner and Administrator, Ram Ganga Command Area Development Project, Kanpur, when original application No.954/98 was heard by a Single Member bench on 8.9.98.

Yet the respondents passed an order on 24.5.99 transferring the applicant to Commissioner, Basti Division, Basti, which is a willful and deliberate disobedience of the undertaking during the pendency of the original application No.954/98.

5) A careful reading of order dated 8.9.98 in O.A. No.954/98 shows that the applicant was holding charge of two posts one of which was Commissioner and Administrator, Ram Ganga Command Area Development Project, Kanpur and the other was Chairperson, U.P. Small Industries Corporation. The order dated 8.9.98 actually meant that the applicant could continue on the post of Commissioner /Administrator on Ram Ganga Command Area Development Project and has to leave the charge of the post of Chairperson, U.P. Small Industries Corporation. The applicant's claim<sup>is</sup> that 2 illegal and arbitrary orders dated 1-9-98 were passed transferring the applicant from both the posts of Administrator, Ram Ganga Command Area Development Project as well as Chairperson, U.P. Small Industries Corporation.

6) The opposite parties have stated in their counter reply that the statement made by the applicant that no-one was posted on the post of Chairperson, U.P. Small Industries

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was a deliberate falsehood as Jagan Mathews had been asked to look after the work of Chairperson, U.P. Small Industries Corporation by another order dated 1-9-98, a copy of this order has been annexed as Annexure to the original application by the applicant. It has also been mentioned by the opposite parties that the applicant has not handed over the charge of the Chairperson, U.P. Small Industries Corporation and has thereby committed a contempt of the order of this Tribunal dated 8-9-98. The opposite parties have mentioned that the applicant has not come to the Tribunal with clean hands in filing contempt petition against the opposite parties.

7) From the annexures to the contempt petition it appears that some confusion was caused by issuance of Annexures-8,9 & 10 on the same day. Annexure-8 is order of the transfer of the applicant from the post of Chairperson, U.P. Small Industries Corporation from the post of Labour Commissioner, Kanpur, Annexure-9 required Shri Jagan Mathews, Commissioner & Director of Industries Kanpur to look after the work of Commissioner and Administrator, Ram Ganga Command Area Development Project in addition. This order is dated 1.9.98. Yet by another order dated 1.9.98 the applicant was required to hand-over the charge of Chairperson, U.P. Small Industries Corporation to Shri Jagan Mathews, Commissioner & Director of Industries, Kanpur. The order of this Tribunal on 8.9.98 was only for sorting out this mistake of the State Government. Therefore, the claim of the applicant

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that there was an undertaking to continue her as Commissioner and Administrator, Ram Ganga Command Area Development Project, Kanpur till the original application was decided cannot be accepted.

8) In view of this we do not find any deliberate disobedience of the order of this Tribunal dated 8.9.98 and discharge the notices and dismiss the contempt petition.

  
MEMBER (J)

  
MEMBER(A)

/satya/