

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 23rd December, 1999.

CIVIL CONTEMPT APPLICATION NO.40 OF 1999
in
Original Application No. 284 of 1998

Coram :- Hon'ble Mr.S.Dayal, Member(A)
Hon'ble Mr.S.K.I.Naqvi, Member(J)

Mohd.Mustaqim,
S/o. Late Mohd. Amin,
R/o. E-345/E, Daryabad,
Allahabad.

.....Applicant

(By Shri A.B.L.Srivastava,Advt.)

Versus

1. Shri B.P.Mishra,
Sr.Accounts Officer,
Directorate of Postal Accounts,
Aligunj, Lucknow

2. Shri R.D.Ram Mauriya,
Head Post Master Katchehri,
Allahabad.

..... Contemners/
Opp. Parties

(By Shri N.B.Singh, Advocate)

O R D E R (Oral)

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

The contempt petition of the applicant has been filed for willful disobedience of order dated 8-12-98 by which impugned order dated 6-12-96 and 10-1-97 were quashed and the respondents were directed to determine amount of advance,if any, against the applicant and give him an opportunity, and after perusal of whole

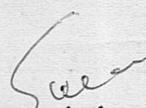
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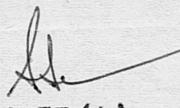
record, another part of the order was for release of amount of gratuity of the applicant withheld with interest that the 12% per annum.

2) As far as the second part of the order regarding release of gratuity with interest is concerned, this has been stayed in order in Civil Misc. Writ Petition No. 41368 of 1999.

3) What remains is the remaining part of the order. The learned counsel for the applicant claims that the respondents in pursuance of order dated 8-12-98 had again issued show cause notice to the applicant regarding determination of amount of advance due, if any, against the applicant by their show cause notice dated 29-4-99. This show cause notice has been replied to by the applicant on 24-5-99. No order has been passed on the representation of the applicant. The learned counsel for the applicant contends that quashing of impugned order dated 6-12-96 and 10-1-97 had settled the matter of advance altogether.

4) We find that the order permitted the respondents to determine the amount of advance due against the applicant after giving him an opportunity of hearing and as such the contention of learned counsel for the applicant cannot be accepted. No case for contempt, therefore remains and notices issued are discharged.


MEMBER (J)


MEMBER (A)

/satya/