

CCA 106/2000

OA 643/97

05.11.2001

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

We have heard Shri Wasim Ali learned counsel for the applicant and Shri Pankaj Srivastava holding brief of Shri Satish Chaturvedi learned counsel appearing for the respondents. order dictated, typed separately.

This application u/s 17 of A.T.Act 1985 has been filed for punishing respondents 1 to 3 for committing contempt of this ~~court by disobeying~~ ^{tribunal by not complying} ~~to comply with~~ the order dated 15.12.1999 passed in OA 643/97. The direction given in OA was as under:

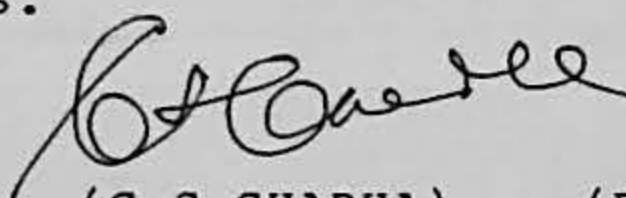
"With the above facts in view, we find it a fit case to provide relief sought by the applicant and it is directed to the respondents that the applicants be allowed to take charge of the post from Shri Manoj Yadav at post office Bela district Varanasi as Extra Departmental Runner in the capacity of Substitute to be replaced only by regular incumbent to the post and shall be entitled to get the pay and other allowances from the date of taking over the charge. With the above observations the OA is disposed of. No order as to costs."

^{As a} ~~That~~ the applicant has not been allowed to work on the post, he has filed this contempt application. Counter affidavit has been filed wherein it has been stated that before the order could be passed by this Tribunal Manoj Yadav was already removed from the post and Chet Narain Singh, a regular incumbent joined the post and in these circumstances there was no question of allowing the applicant to work as Substitute as the

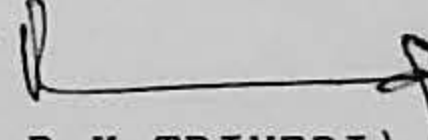
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regular incumbent had already come. It is not disputed ~~by~~ learned counsel for the applicant that the applicant was allowed to work as Substitute in place of Chet Narain Singh. As the regular incumbent had already come, we do not think that any contempt has been committed by the respondents by not permitting the applicant to work on the post under the order of this Tribunal. No contempt is made out. The contempt application is dismissed. Notices are discharged. No order as to costs.



(C.S.CHADHA)
MEMBER(A)



(R.R.K.TRIVEDI)
VICE CHAIRMAN

Dated": 05.11.2001

Uv/