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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 03rd day of August 2001

Contempt Application no. 147 of 2000
in
Original Application no. 299 of 2000

Hon'ble Mr. SKI Naqvi, Judicial Member
Hon'ble Maj Gen KK Srivastava, Administrative Member

Lallu Lal Gupta,
S/o late Sri P. Das,
R/o 209/112, Baluwaghat, Allahabad,
Presently posted at Post Master, Varanasi Cantt.
Varanasi, Distt. Varanasi.

... Applicant

C/A Sri NL Srivastava

Versus

1. Cornel KP Tripathi, Post Master General,
Allahabad.
2. Sri RS Tiwari,
Supdt. of Posts (West)
Varanasi.

... Respondents

C/Rs. ...

ORDER

Hon'ble Mr SKI Naqvi, JM

On the ^{matter} subject of recovery from his salary
the applicant has come up before the Tribunal and was
granted interim order dated 24.3.2000, through which

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the recovery was stayed till further orders. As per learned counsel for the applicant this order was communicate to the respondents in the first week of April, ^{but} and the salary for the month of February and March was paid in the month of August 2000 in which there was deduction by way of recovery @ Rs. 5000/- per month for the month of February and March 2000. The applicant has a case when the salary was paid in August 2000 and by then the Court order staying ^{there should not have been any deduction.} the recovery was already communicated. Therefore, it is clear case of wilful and deliberate disobedience of Court's order.

2. We find that the Court's order was communicated in the month of April 2000 when the salary for the month of February 2000 and March 2000 must have been processed and, therefore, it cannot be said to be a case of wilful and deliberate disobedience of the Court's order. It is not in dispute, rather it is admitted case of the applicant, that he is getting salary from May 2000 and onwards without any deduction by way of recovery.

3. For the above, we do not find the matter which attracts provisions under Contempt of Court's Act. The contempt application is accordingly dismissed.


Member-A


Member-J

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