

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

CIVIL MISC. CONTEMPT APPLICATION NO.262 of 2002.

IN
ORIGINAL APPLICATION NO.1557 of 2001.

ALLAHABAD THIS THE 20TH DAY OF DECEMBER 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, Member-A.

Upendra Kumar Jain
Son of late Sri Mahabir Prasad Jain,
Resident of Raipur Road, DEAL Main Gate,
Adjoiwala, Dehradun.

.....Applicant.

(By Advocate : Sri C.S. Singh)

Versus.

1. Shri Subir Dutta,
Secretary (D.P) Ministry of Defence,
Department of Defence (Production)
South Block, Room No.136,
DHQ P.O. New Delhi-110011.
2. LT General M.K. Chari
The Director General of Quality Assurance
South Block, D.H.Q. Post Office,
New Delhi-110011.
3. Brig. Chandra Prakash
Controller, Controllerate of Quality
Assurance (Instrument),
Raipur, Dehradun-248008 (Uttranchal).
4. U.V. Das Gupta (A)
JAG (NFSG)
Joint Controller
Controllerate of Quality
Assurance (Instruments)
Raipur, Dehradun-248008.
- 5- P.K. Mago
Brig.
Inquiry Officer
Government of India
Ministry of Def. (DGQA)
Dte of Quality Assurance (L)
'G' Block, Room No. 46A,
New Delhi-110011.
6. Sri V. Uma Maheshwar Rao,
Director II, C.Q.A.
Avadi, Chennai.

....Respondents

(By Advocate : Sri S Chaturvedi)

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RECORDED

VERIFIED BY : JUDGE S. CHATURVEDI, M.C.

ORDER

BY HON'BLE MR. JUSTICE S.R. SINGH, V.C.

Heard Sri C.S. Singh learned counsel for the applicant and Sri P Srivastava holding brief of Sri S Chaturvedi, learned counsel for the respondents and perused the records.

2. The Disciplinary Proceeding initiated against the applicant came to be quashed by this Tribunal vide judgement and order dated 26.04.2002 passed in O.A. No.1557/01 (Upendra Kumar Jain Vs. Union of India and others). It appears that the respondents started enquiry on the basis of chargesheet, which had earlier been quashed by the Tribunal. This contempt petition has been initiated with the allegation that initiation of Disciplinary Proceeding on the basis of charge sheet which was the subject matter of impugnment in the O.A. 1557/01 amounts to contempt of Court. It appears that a writ petition has been filed in the Hon'ble High Court of Judicature at Allahabad bearing C.M. Writ Petition No.21133 of 2002 against the judgment passed by the Tribunal in O.A. No.1557/01. The Hon'ble High Court directed the payment of provisional pension during the pendency of the writ petition. The applicant is getting provisional pension as per order passed by the Hon'ble High Court.

3. Today an affidavit of Sri P.K. Mago Addl. Director Quality Assurance (L) posted at Directorate of Quality Assurance (L), 'G' Block Room No.46-A, New Delhi has been filed. The paras 3 and 4 of the affidavit are extracted below:

"3. That with regard to chargesheet dated 3.12.2001 it is submitted that disciplinary proceedings were stopped on 11.7.2003 held in abeyance till the disposal the contempt petition. Since then there is no development so far as the said proceedings is concerned.

4. That so far as the charge sheet dated 19.12.2001 is concerned it is submitted that the necessary

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proceedings were completed and the enquiries report dated 28.5.2003 was submitted by I.O. However, no final decision has been taken and the further processing has been kept in abeyance in this case also

4. Sri P Srivastava holding brief of Sri S Chaturvedi learned counsel for the applicant stated at the bar that in para 3 of the affidavit of Sri P.K. Mago, the words "Contempt Petition" are mis-print for the words "Writ Petition". In other words, submits Sri P Srivastava, the Disciplinary Proceeding shall remain in abeyance till the disposal of the writ petition pending in the High Court.

5. In the circumstances, therefore, we are not inclined to proceed further in the contempt petition. The same is accordingly liable to be dismissed with the liberty reserved to the applicant to revive the contempt petition in case the respondents proceed with the Disciplinary Enquiry before the disposal of the writ petition i.e. without waiting for the decision of the writ petition.

6. The contempt petition is dismissed as withdrawn with a liberty to reserved to the applicant to revive the contempt proceeding in case the respondents proceed with the Disciplinary Enquiry during the pendency of the writ petition in the Hon'ble High Court.

No costs.

Dhan
Member-A

Dhan
Vice-Chairman.

Manish/-