

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 23rd day of July 2003.

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

HON. MR. D. R. TIWARI, A.M.

Civil Contempt Petition No 8 of 2002
(O.A. No. 1027 of 1999)

1. Bageshwar Singh, aged about 57 years S/O Sri Purshottam Singh.
2. B.S. Yadav, aged about 57 years S/O Late K.P. Yadav.
3. Onkar Nath Pathak, aged about 56 years S/O Late Ram Bilan Pathak.
4. N.L. Srivastava, aged about 56 years S/O Late Banarsi Lal.
5. B.N. Singh, aged about 57 years S/O Late L.B. Singh.
6. Gupteshwar Nath, aged about 54 years S/O Late B.B. Lal.
7. Govind Singh, aged about 56 years S/O Sri Sant Singh.
8. Gulab Das, aged about 55 years S/O Late Chhedi Lal.
9. Manbodh Pandiya, a/a 56 years S/O Late Shivilakhan Pandey.
10. Jwala Prasad Gupta a/a 56 years S/O Late Mahadeo Prasad.
11. M.S. Yadav a/a 54 years S/O Sri Vikram Singh Yadav.
12. Shamim Ahmad Ansari a/a 51 years S/O Late Nisar Ahmad.
13. Mangal Prasad a/a 53 ye-ars S/O Late Sohan Lal.

All working as Chief Telegraph Master in
Central Telegraph Office, Varanasi.

14. Lallan Prasad Singh (Retd.) S/O Sri Babu Lal.
15. S.M. Srivastava (Retd.) S/O Sri B.B. Sinha.
16. Mahadeo Singh (Re-td.) S/O Sri Ram Lakhan Singh.

Applicant Nos.14, 15 & 16 are retired Chief
Telegraph Master from the office of Central
Telegraph, Varanasi.

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..... Applicants.

Counsel for applicants : Sri S. Agarwal.

Versus

1. Shyamal Ghosh, Secretary Telecom, Sanchar Bhawan,
New Delhi.

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2. Dr. D.P.S. Seth, Chairman-Cum-Managing Director (GMD),
B.S.N.L., Sanchar Bhawan, New Delhi.
3. Rakesh Kumar, Director, T.E. Sanchar Bhawan, New Delhi.
4. S.P. Kalsi, Chief General Manager, Telecom, Lucknow.
5. Mahidhar Pant, Dy.General Manager(A), Office of C.G.M.,
Telecom, U.P. East Circle, Lucknow.
6. Brij Bhushan Rai, General Manager, Shivpurwa, Varanasi.
7. Lachhi Ram, Assis-tant General Manager (Admn.), In the
Office of General Manager, Telecom Distt. Varanasi.
8. Ishwar Chandra Jaiswal, Sub-Divisional Engineer Incharge
Central Telegraph Office, Varanasi.

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..... Respondents.

Counsel for respondents : Sri A. Sthalekar.

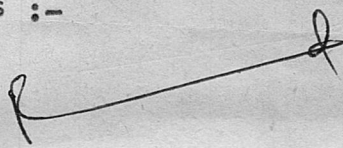
O R D E R (ORAL)

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

By this application filed under section 19 of A.T. Act, 1985 applicants have prayed to punish respondents for committing contempt of this Tribunal by wilful disobedience of the order dated 17.8.2000 passed in O.A. No.1005/99 and other O.As. The direction of this Tribunal was as under :-

"For the reasons stated above all these OAs are allowed. The impugned orders dated 14.7.99, 20.7.99 & 16.8.99 (Annexures A-1, A-2 & A-3) in O.A. No.1005/99, impugned order dated 20.7.99 in O.A. No.912/99, impugned orders dated 14.7.99, 2.8.99 & 11.8.99 (Annexures A-1 to A-4) in O.A. No.1927/99, impugned order dated 14.7.99, 20.7.99, 29.7.99 and 2.8.99 in O.A.1972/99, impugned order dated 14.7.99, 20.7.99 & 31.8.99 in OA 1095/99, impugned orders dated 14.7.99, 20.7.99 & 3.8.99 in O.A.No.1226/99, impugned order dated 8.9.99 in O.A.No.1228/99, impugned order dated 14.7.99, 20.7.99 & 4.10.99 in O.A.1281/99, impugned order dated 16.9.99 in OA No.1374/99, impugned order dated 14.7.99, 20.7.99 & 22.9.99 in O.A.No.1384/99, impugned orders dated 14.7.99, 20.7.99 in O.A.1384/99, impugned orders dated 8.9.99, 16.9.99 and 20.9.99 in O.A. No.1273/99 to the original applications are being quashed."

2. The Tribunal quashed the impugned orders of reversion challenged in the bunch of O.As and gave the following directions :-



".....However, it is left open to the respondents to pass a fresh order in accordance with law after affording adequate opportunity of hearing to the applicant. During the pendency of these applications if any recovery has been made from the applicants, they will be entitled to get the amount back within a period of three months from the date of receipt of a copy of this order. There will be no order as to costs.

3. The respondents in pursuance of the aforesaid orders issued show cause notices to applicants on different dates and after receipt of the reply, submitted by the applicants, passed detailed order on 22.11.2002 to the following effect :-

"The undersigned is, therefore, left with no option but to hereby cancel your promotion order to Gr.-IV under 10% BCR as issued vide this order of even No. dated 23.11.98. Consequently upon cancellation of the said promotion order the promotional benefits including the arrears of enhanced pay and allowances paid to you will be completely withdrawn. Since you have already retired from service, the action in your case will be taken in accordance with Para-3 of the Show-cause Notice issued on the subject."

4. Some orders have been passed in respect of the applicants who are continuing in service. As the orders have been passed and fresh orders of reversion have come into force holding applicants liable to pay back the amounts which they have received ^{under} ~~by~~ wrong orders issued in their favour, there is no question of contempt.

5. Sri S.K. Mishra, learned counsel for applicant however, submitted that these orders have been passed after a long delay of about two years and the amount, which was recovered from the applicant was not paid to them as directed by this Tribunal.

6. Although it is true that there is a delay of about two years but we see ^{no} ~~no~~ ground for punishing the respondents ^{on the ground of delay alone.} However, it shall be open to applicants to challenge the orders passed against them in original side. Subject to the aforesaid, the O.A. is dismissed with no order as to costs.

A.M.
A.M.

V.C.
V.C.