

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

CIVIL MISC. CONTEMPT APPLICATION No. 89 OF 2002
 IN

ORIGINAL APPLICATION No. 1548 OF 2001

TUESDAY, THIS THE 26th DAY OF NOVEMBER, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN
HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

Anil Kumar Ganguly,
 s/o Late Shri B.N. Ganguly,
 r/o 230, Avas Vikas Colony,
 Sector-II, Jhusi,
 Allahabad.

.....Applicant

Counsel for the Applicant: Shri Amit Saxena

V E R S U S

1. Mr. Onkar Nath,
 s/o not known to the petitioner,
 presently posted as Accountant General,
 (Audit) I, U.P.,
 Allahabad.
2. Mr. Abhishak Gupta,
 s/o not known to the petitioner,
 Sr. Dy. Accountant General/IC
 Office of the A.G. (Audit), U.P.
 Allahabad.
3. Mr. B.D. Basantia, s/o Mr. S.C. Basantia,
 Dy. Accountant General (Admn),
 Office of the A.G. (Audit) I & II,
 U.P., Allahabad.

...Respondents

Counsel for the Respondents: Shri A. Sthalaker

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman

By this application under section 17 of
 Administrative Tribunals Act, 1985, the applicant has



prayed to punish the respondents for wilful disobedience of the order of this Tribunal dated 04.03.2002 passed in O.A. No.1548 of 2001.

2. The facts of the case are that applicant was promoted and posted as Private Secretary vide order dated 25.08.1995. In 1997 he was allowed to join Income Tax Appellate Tribunal on deputation basis and it is stated that in his place one Shri P.Mohanan Bhattathri was promoted as Private Secretary. The applicant after completing the period of deputation was repatriated to his parent department on 31.03.20-01. He reported to respondent No.1 Accountant General, Audit-I (Audit) I, U.P., Allahabad on 03.04.2001. He was allowed to discharge duties at Allahabad. The applicant proceeded on long leave w.e.f.18.07.2001. He continued on medical leave. In the meantime, orders were passed on 01.08.2001 transferring him from Allahabad to Lucknow and Shri P. Mohanan Bhattathri was reverted to the post of Stenographer Grade-III. The applicant when joined after the period of leave was over on 01.01.2002, he was served with the order on 01.01.2002 to join as Private Secretary at Lucknow. This order ^{was} challenged in O.A. No.1548 of 2001, which was decided finally on 04.03.2002 by following order:-

"The O.A. is accordingly disposed of finally, though the O.A. is dismissed so far as the challenge of the order dated 01.08.2001 and 01.01.2002 are concerned but considering the facts and circumstances mentioned above, the respondents are directed to retain the applicant at Allahabad till the interim order passed by Lucknow Bench of this Tribunal is operating in the same way as he was accommodated from 03.04.2001 to 17.04.2001. There will be no order as to costs."

3. The respondents have filed counter affidavit in para-11 whereof they have asserted that order of this



Tribunal has been complied with. The applicant is satisfied with the payments given to him, except for the period of 02.01.2002 to 17.03.2002 for which he ~~has~~ been granted extra ordinary leave without pay.

4. Learned counsel for the applicant has submitted that applicant filed application dated 01.04.2002 (Annexure-4) and specifically requested that the period from 02.01.2002 to 17.03.2002 (75 days) may be treated as Duty Period, in terms of the findings recorded by this Tribunal in its order dated 04.03.2002 but the respondents have failed to consider this application and passed order in arbitrary manner granting extra ordinary leave without pay for which no prayer was made. Shri A. Sthalaker, learned counsel for the respondents submitted that the respondents may be granted ^{time} to decide this application in accordance with law in the light of the order passed by this Tribunal.

5. Considering the submission^u of learned counsel for the parties, we dispose of this Contempt Application with the direction to respondents to consider the application of the applicant dated 01.04.2002 (Annexure-4) in accordance with law and in the light of the findings recorded in order dated 04.03.2002 passed in O.A. No. 1548 of 2001. The order shall be passed within 2 months from the date a copy of this order is filed. To avoid delay it shall be open to the applicant to file a copy of application along-with copy of this order. Notices

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are discharged.

6. There will be no order as to costs.


MEMBER(A)


VICE-CHAIRMAN

shukla/-