

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Allahabad, this the 31st Day of March 2003

Civil Contempt Petition No. 92/2002

IN

Original Application No. 1341/01

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

Praveen Kumar,
a/a 28 years
s/o Shri S.K. Tripathi,
r/o 71-F/1A Kamlanagar Stanely Road,
Allahabad.

...Applicant.

(By Advocate:- Shri Sudhir Agarwal)

Versus

1. Kamal Pandey, Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.
2. Atamu Purkyastha,
Director (Police)
In the office of Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi.

....Respondents.

(By Advocate:- Shri Rajiv Sharma
Shri M.C. Tripathi)

O R D E R

HON. MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

This contempt application has been filed under section 17 of Administrative Tribunal Act, 1985, for wilful dis-obedience of the order of this Tribunal dated 2-4-2002 passed in O.A NO. 1341/01.

2. The Tribunal passed following order in O.A No. 1341/01:-

"For the reasons stated above, this O.A is allowed. The impugned order dated 25-9-2001 (Annexure 1 to the O.A) and notification dated 24-9-2001 so far as they allocate Uttaranchal cadre of IPS to the applicant and UP Cadre to the respondent no. 2 are quashed. The Respondent no. 1 is directed to pass a fresh order in accordance with law and in the light of the observations made above within a period of one month from the date a copy of this order is filed. There will be, however, no order as to costs."

In pursuance of the order of this Tribunal dated 2-4-2001 the respondents passed a fresh order dated 7-5-2002 which has been challenged by the applicant by

filing O.A 706/02. We are constrained^h to observe that the respondent no. 1 and 2 have acted illegally in passing the order dated 7-5-2002 recording the finding^h contrary to the findings of this Tribunal in the order dated 2-4-2002. It was^h open to the respondents to sit in appeal over the findings recorded by this Tribunal in its order dated 2-4-2002.

3. The Judgment of this Tribunal dated 2-4-2002 was binding upon the parties and the binding nature includes the findings recorded by this Tribunal in its judgment. The respondents could not sit over the findings in the garb of passing fresh order. The Tribunal gave liberty to respondents to pass fresh orders in conformity with the findings recorded by us. The respondents could not have dis-regarded^h the same and made another case. We do not appreciate this attitude on the part of the respondents and we hope that the respondents, in future, shall restrain from such illegal approach.

4. Now since we have passed a final order in O.A No. 706/02 we do not propose to pursue this^h contempt^h petition.

5. For the reasons recorded above the contempt proceedings are dropped. Notices are discharged.


A.M


V.C

Madhm/