

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL CONTEMPT PETITION NUMBER 17 OF ²⁰⁰³~~1994~~

IN

ORIGINAL APPLICATION NUMBER 1867 OF 1994

TUESDAY, THIS THE 25th DAY OF FEBRUARY, 2003

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)
HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)

Rajesh Kumar Singh,
s/o Shri R.M. Singh,
r/o C33/215 A-1B, Hari Nagar,
Chandrawa Chhitupur,
Varanasi.

.....Applicant

(By Advocate : Shri M.K. Upadhyay)

V E R S U S

1. Shri Vinay Kumar Tiwari,
Director Postal Services,
Office of Post Master General,
Allahabad.
2. Shri Bhaiya Lal Kanauiya,
Superintendent of Posts West Divison,
Varanasi Cantt.- Varanasi.

.....Respondents

(By Advocate Shri)

O R D E R

Hon'ble Maj Gen K K Srivastava, Member (A)

This contempt petition has been filed under Section 17 of the Administrative Tribunals Act, 1985 for punishing the respondents for wilful disobedience of the order dated 26.04.2002 passed in O.A.No.1867/94. The Tribunal passed the following order;

"The O.A. is accordingly partly allowed. The impugned order dated 25.12.93 (Ann 1) and 20.12.94(Ann 2) are quashed so far as they award the punishment of removal against the applicant. The matter shall be considered by the respondent no.3, i.e. Director Postal Services on quantum of punishment. As the

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matter is very old the order shall be passed within 3 months after providing hearing to the applicant."

2. From the above order, it is quite clear that the punishment order dated 25.12.93 and appellate order dated 20.12.1994 were not quashed completely. Only punishment of removal awarded to the applicant was quashed. After perusal of the order of Director Postal Services i.e. respondent no.2 dated 19.09.02 it appears that the respondents have incorrectly understood that the punishment order as well as appellate order were quashed and that is why the respondent no.3 remitted the case back to the respondent no.2 i.e. Superintendent, Post Offices, Varanasi(West) Division for denovo trial. Infact the direction was that the respondent no.1 was to decide the quantum of punishment. However, since in our opinion, the mistake on the part of respondent no.1 is bonafide, the order dated 19.09.02 remitting the matter back to the respondent no.2 and also any action taken by respondent no.2 consequent to the order, are quashed. It is clarified that the Director Postal Services who was respondent no.3 in the O.A. shall pass a fresh order as regards the quantum of punishment as already observed in ^{our} order dated 26.4.02 within a period of 2 months. In view of the bonafide mistake on the part of respondent no.1, in our opinion, the case of contempt is not made out and the petition is disposed of accordingly.



Member (J)



Member (A)

/M.M./