

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF JANUARY, 2003

Civil Contempt Application No.02 of 2003

Original Application No. 1528 of 2002

CORAM:

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

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

K.Aravindakshan, S/o Late
O.S.Menon, resident of 208 D Defence
Colony, Jagmau, Kanpur Nagar.

... Applicant

(By Adv: Shri S.C.Tewari)

Versus

Shri G.N.Mathur
Director,
Defence Materials & Stores Research
and Development Establishment
(D.M.S.R.D.E), G.T. Road,
Kanpur.

... Respondents

O R D E R

JUSTICE R.R.K.TRIVEDI,V.C.

We have heard Shri S.C.Tewari learned counsel for the applicant.

This application u/s 17 of A.T.Act has been filed for punishing the respondents for committing contempt of this Tribunal for wilful disobedience of the order of this Tribunal dated 3.1.03 passed in OA No.1528/02.

The facts of the case are that applicant was serving as Senior Store Officer Grade-1 in Defence Material and Stores Research and Development Establishment, Kanpur. By order dated 12.7.02 he was transferred from Kanpur to New Delhi. As clear from the order dated 26.12.02 the applicant was relieved from the post and was directed to report at New Delhi. The applicant thereafter filed OA in this Tribunal which was disposed of at the admission stage on 3.1.03 with the following direction:-

"..... I think it would be in the interest of justice to dispose of this OA at the admission stage itself by directing the respondents to consider the case of the applicant sympathetically and pass appropriate orders in accordance with the law within a period of 4 weeks from the date of communication of this order. The applicant's counsel has stated that the applicant has not yet handed over the charge as he has been advised bed rest himself. If the statement is correct, the respondents are directed not to give effect the impugned orders for the period of 4 weeks till the representation is decided"

The grievance of the applicant is that when he was declared medically fit on 6.1.03 and he went to join the post at Kanpur, he was not even allowed to enter the premises and thus the respondents has committed contempt of this Tribunal.

We have carefully considered the submission made by the counsel for the applicant, however, we are not convinced. From the order dated 26.12.02 (Annexure 2) it is clear that applicant was relieved on 26.12.02 before he filed this OA in this Tribunal. The order of transfer dated 12.7.02 and relieving order dated 26.12.02 were not quashed, they remained intact. On the statement of applicant that he has not handed over the charge, the interim order was passed that orders will not be given effect, if the statement given by the applicant is correct. As the applicant was already relieved by an order in writing there was no question of handing over any charge thereafter. In the circumstances, we do not find that any contempt has been committed. The application is



accordingly rejected.

We are informed that representation of the applicant is still pending and has not been decided. If the applicant is so advised, he may make an application before the Authority before whom his representation is pending for any interim order permitting him to continue at Kanpur which may be considered and decided as per rules.

Subject to aforesaid, this application is rejected.
No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 9th Jan: 2003

Uv/