

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. CONTEMPT APPLICATION NO.206 OF 2003

IN

ORIGINAL APPLICATION NO.1867 OF 1994

ALLAHABAD THIS THE 14th DAY OF *January* 2004 .

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

Rajesh Kumar Singh,
son of Sri R.M. Singh,
R/o C-33/215A-18 Hari Nagar,
Chandrawa Chitupur,
Varanasi.

.....Applicant

(By Advocate Shri M.K. Upadhyay)

Versus

1. Sri Uday Krishna,
Director Postal Services,
Office of Post Master General,
Allahabad.

2. Sri B.N. Dwivedi,
Superintendent of Posts West Division,
Varanasi Cantt - Varanasi.

.....Respondents

(By Advocate Shri)

ORDER

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

This Contempt petition was filed for punishing the respondents for wilful dis-obedience of the order of this Tribunal dated 26.04.2002 passed in O.A. No.1867/94.

2. Shri M.K. Upadhyay, learned counsel for the applicant submitted that the respondent no.1 i.e. Shri Uday Krishna, Director

Postal Services, Allahabad, by issuing the order dated 26.09.2003, has committed clear cut contempt of this Tribunal. In the said order he has upheld the punishment of removal which has been quashed by this Tribunal in the order dated 26.04.2002. The following order was passed on 26.04.2002:-

"The OA is accordingly partly, allowed. The impugned orders dated 25.12.1993 (Annexure A-1) and 20.12.1994 (Annexure A-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 matter is very old the order shall be passed within 3 months after providing hearing to the applicant."

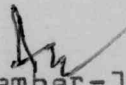
3. The applicant had filed contempt petition no.17/03 which was disposed of finally by order dated 25.02.2003, para 2 of which reads as under :-

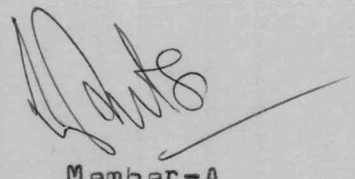
"From the above order, it is quite clear that the punishment order dated 25.12.1993 and appellate order dated 20.12.1994 were not quashed completely. Only punishment of removal awarded to the applicant was quashed. After perusal of the order of Director Postal Services i.e. respondent no.2 dated 19.09.2002 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 19.09.2002 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 26.04.2002 within a period of 2 months".

4. The Appellate Authority in pursuance of the order of this Tribunal dated 26.04.2002 and 25.02.2003 has passed the Appellate order dated 26.09.2003. Perusal of para 2 of the said order makes it clear that Appellate Authority has considered the case of the applicant as regards quantum of punishment and has then passed ^{the} order. In our opinion, the order of this Tribunal has been complied with. No case of contempt is made out ^{as there} ^{is} ^{there}.

is no wilful dis-obedience of this Tribunal's order dated 26.04.2002. The applicant may not be satisfied with the order and in that regard he may pursue the remedies provided under law.

5. In view of the aforesaid the contempt petition is rejected in limine.


Member-J


Member-A

/Neelam/