

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 03rd day of FEBRUARY 2004.

Contempt Application no. 137 of 2003

in

Original Application no. 1211 of 2001

Hon'ble Maj Gen K.K. Srivastava, Member-A
Hon'ble Mrs. Meera Chhibber, Member-J

Smt. Richa Gupta, D/o Sri R.C. Gupta,
R/o House no. 115/13, Bulandshahar, Raja Babu Road,
Distt. Bulandshahar. Posted as Cashier (Computer Operator),
Station Canteen, Bulandsahar.

... Applicant

By Adv : Sri R.P.S. Yadav

V E R S U S

1. Sri Subir Dutta, Secretary,
Ministry of Defence,
Govt. of India,
NEW DELHI-II.
2. Brigadier K.T.G. Nambiar,
Brigadier Commander, Head Quarter,
Meerut Sub Area, Meerut Cantt.
3. Leftinent Colonel D.S. Sirohi,
Manager, C.S.D. Canteen,
Bulandshahar.

... Respondents

By Adv : Sri A.K. Tiwari -3.

O R D E R

Mrs. Meera Chhibber, Member-J.

The applicant has filed this contempt petition
stating therein the order passed by this Tribunal dated
11.2.2003 in OA no. 1211 of 2001 has still not been

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complied with. By the said order the respondents were directed to allow the applicant to join the post of Billing Clerk in C.S.D. Canteen at Bulandshahar for which purpose she was required to present herself before respondent no. 2 i.e. Sub Area Commander, Head Quarter, Meerut, who was to ensure that applicant is allowed to join her duties at CSD Canteen without any hinderance and be paid 50% of back wages as well. It is submitted by the applicant that she had personally handed over the copy of the judgment and sent the same through Registered Speed Post also on 03.03.2003, but inspite of that she has not yet been permitted to join the post. She has also submitted that against the order passed by this Tribunal the respondents had filed Writ Petition before the Hon'ble Allahabad High Court, but the same has also been dismissed on 23.4.2003 (Ann 4). She had thus prayed that the action be initiated against the respondents for not complying the order of this Tribunal.

2. The respondents have filed their counter affidavit and have submitted that as per direction given by this Tribunal the applicant was required to present herself before Sub Area Commander, Meerut Cantt, but she neither appeared before him nor presented any judgment before Sub-Area Commander. On the contrary she preferred to live with her husband at Noida and is trying to take advantage of the order by misleading the Court. They have submitted that she never handed over copy of the judgment either by hand or through Speed Post nor any reminder was sent by the applicant. However, learned counsel for the respondents submitted that they are prepared to take the applicant back on duty provided she makes herself available on any



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given date before Sub Area Commander, Meerut, so that the necessary orders may be passed to take her back on duty at CSD Bulandshahar.

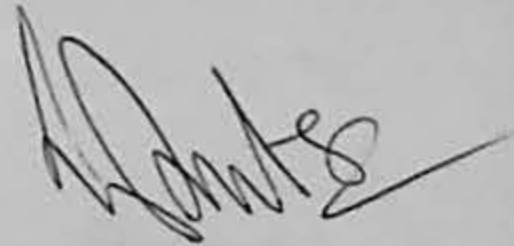
3. We have heard learned counsel for the parties and in order to resolve the controversy the applicant is now directed to present herself before Sub-Area Commander, Meerut on 09.02.2004 at 11 am alongwith copy of the order passed in ^{this R} contempt petition and the present Sub-Area Commander, Meerut Cantt. shall pass necessary orders for taking the applicant on duty in CSD Canteen, Bulandshahar within a week.

4. Learned counsel for the respondents undertakes that on the said date either Sub Area Commander, Meerut would himself be present in the Office or in case due to some emergent situation he is not ~~able~~ ^{be R} able to present in the office, his next responsible officer shall be instructed to pass necessary orders. ~~Notice issued to respondent no. 2~~

5. With the above direction this contempt application is disposed of. Notice issued to respondent no. 2 is discharged.



Member J



Member-A

/pc/