

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 19th day of APRIL 2004.

Contempt Application no. 197 of 2003

in

Original Application no. 894 of 1992.

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

Hari Lal, S/o Late Palak Ram,
R/o Vill & Post Buzurga,
Distt. Ghazipur.

... Applicant

By Adv : Sri K.S. Rathor

V E R S U S

S. Meezan, S/o M.I. Khan,
General Manager, Govt. Opium Alkaloid Works,
Ghazipur.

... Respondent.

By Adv : Sri R.C. Joshi


O R D E R

Maj Gen K K Srivastava, Member-A.

This contempt petition has been filed for punishing the respondents for wilful disobedience of the order of this Tribunal dated 16.02.2002 (Ann 4) passed in OA no. 894/02.

2. Learned counsel for the applicant submitted that pursuant to the order of this Tribunal dated 16.5.2002 the applicant filed review petition on 18.7.2003 before General Manager, Govt. Opium Alkaloid Works, Ghazipur with copy to CCF, New Delhi. ^{My} So far the review petition has not been decided by either General Manager, Govt. Opium Alkaloid Works or CCF, New Delhi.

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3. The respondent has filed counter affidavit and in para 8 of the same it is stated that General Manager is not the competent authority to decide the review petition of the applicant and it is the CCF, New Delhi who is the reviewing authority in this case. In the said para the respondent has also stated that the applicant has been informed about the same vide letter dated 15.10.2003 (Ann CA1) that the applicant may file an appeal/application directly to the CCF, Gwalior (wrongly mentioned as CCF New Delhi in counter affidavit) under intimation to General Manager for the review of the case.

4. Applicant's counsel submitted that he be allowed to implead CCF, New Delhi which in our opinion would not be correct. In our considered opinion, instead of keeping this contempt petition pending, it will be appropriate to dispose it of finally by issuing suitable directions in view of the letter of the respondent dated 15.10.2003 (Ann CA1).

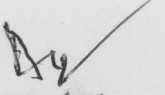
5. We have perused annexure CA1, in which it is clearly indicated that the review petition should be filed before CCF Ghazipur. From the photo copy of the receipt of registered letter, filed by the applicant on page 28, we find that the applicant has sent the review petition to the General Manager, Govt. Opium Alkaloid Works, Ghazipur with copy to CCF, New Delhi. In view of the letter of the respondent dated 15.10.2003 (Ann CA1) the applicant may file a review petition before CCF, Gwalior alongwith copy of the order of Tribunal dated 16.5.2002 within two weeks and CCF Gwalior is directed to decide the same by reasoned and speaking order within three months from the date of

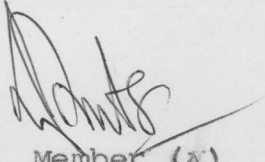
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receipt of review petition.

6. With the above direction this contempt petition is disposed of finally. Notice issued to the respondent is discharged.


Member (J)


Member (A)

/pc/