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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

CONTEMPT PETITION NO. 184 OF 2006

**IN
ORIGINAL APPLICATION NO.1413 OF 2005**

ALLAHABAD THIS THE 17th DAY OF DECEMBER, 2007

**HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J
HON'BLE MR. SHAILENDRA PANDEY, MEMBER-A**

Naresh Pal Singh, S/o Sri Megh Singh, Senior
Telecom Assistant (G), Office of the Chief
Accounts Officer (TR), General Manager, Telecom
District, Aligarh

.....Applicant

(By Advocate Shri K.P. Singh)

V E R S U S

1. Sri Nipendra Mishra, Secretary, Ministry of Telecommunication, New Delhi.
2. Sri A.K. Sinha, Managing Director, Bharat Sanchar Nigam Limited, New Delhi.
3. Sri Suresh Bhargava, Chief General Manager, Bharat Sanchar Nigam Limited, U.P. (West), Meerut.
4. Sri R.K. Tyagi, General Manager, Bharat Sanchar Nigam Limited, Telecom District Aligarh.
5. Sri R.B. Singh, A.G.M. Bharat Sanchar Nigam Limited, Telecom District Aligarh.
6. Sri Bhikam Singh Shakya, Senior Accounts Officer (Cash), Office of G.M., Bharat Sanchar Nigam Limited, Telecom District Aligarh.
7. Sri D.C. Pandey, Asstt. Director Telecom (HRD), office of G.M., Bharat Sanchar Nigam Limited, Telecom District Aligarh.

.....Respondents

(By Advocate: Sri D.S. Shukla.)




O R D E R

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BY ASHOK S. KARAMADI, MEMBER-J

Heard the learned counsel for the applicant and the respondents. This Contempt petition is filed against the order dated 25.11.2005. By the said order "status quo shall be maintained till the consideration of interim relief" was passed and subsequently the same was continued. In view of those circumstances, this Contempt petition is filed stating that the respondents have disobeyed the order of this Tribunal.

2. On notice, the respondents have appeared and filed Counter Affidavit stating that they have not disobeyed the order and they have fully complied with the order of this Tribunal and further stated that since the O.A. was filed against the show cause notice dated 23.9.2005 proposing the removal of the applicant from service and it is further stated that the show cause notice dated 23.9.2005 has been withdrawn by the respondents vide its order dated 10.7.2006 and the applicant is continuing in service for which he had prayed for, a copy of which is as Annexure no. I to the SCA. It is further stated that against the said interim order, the Writ petition bearing no. 16459 of 2007 was filed before the Hon'ble High Court. The Hon'ble High Court by order dated 29.3.2007 has stayed all the further proceedings. Against that, the applicant has preferred SLP before the Hon'ble Supreme Court. In

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the said SLP, the status quo as on today shall be maintained was passed on 17.4.2007 and subsequently on 23.4.2007 the Hon'ble Supreme Court has passed the order as follows:

"The order impugned being an interim order, we see no reason to interfere. The Special Leave Petition is dismissed. The petitioner is, however, allowed two weeks time to file an application before the High Court for vacating the interim order. Till the application is filed by the petitioner within two weeks from today and the matter is considered by the High Court, status quo passed by this Court on 17.4.2007 shall continue."


However, the petitioner has ^{been} given liberty to file an application before the Hon'ble High Court for vacating the interim order. Till the application is filed by the petitioner, within two weeks from today, and the matter is considered by the Hon'ble High Court, the status quo order passed by this Hon'ble Court on 17.4.2007 shall continue. Having regard to the same, the respondents' counsel submits that since the matter is pending before the Hon'ble High Court, in CMNP No. 16459 of 2007 this Contempt petition shall not be continued, and prays for dismissal for the same.

3. We have heard the learned counsel for the applicant and the respondents and perused the pleadings and materials available on record. The learned counsel for the applicant submits and states that having regard to the fact that the interim order was passed and the matter is pending before the Hon'ble High Court in view of the directions

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issued by the Hon'ble Supreme Court, it is appropriate to adjourn this matter and keep ^{the same} in abeyance till the disposal of the Writ petition. The learned counsel for the respondents submits that there is no justification in keeping this matter pending having regard to the ^{fact that the} issue involved between the parties is pending consideration before the Hon'ble High Court. In view of these submissions, whether it is appropriate to adjourn this matter pending consideration by the Hon'ble High Court or not is the question ^{that} arises. Having regard to the fact that in view of the interim order passed by this Tribunal, ~~against~~ the same the matter was taken before the Hon'ble High Court and subsequently the matter went to the Hon'ble Supreme Court and in view of the direction of the Hon'ble Supreme Court, the applicant is allowed to make an application before the Hon'ble High Court for vacating the interim order and order of status quo granted on 17.4.2007 continued in respect of the parties. Having regard to these admitted facts on record and also in view of the submissions of the learned counsel for the applicant and the respondents, we do not think it appropriate and proper to adjourn and keep this matter pending. In view of the fact ^{that} the contempt proceedings ^{were} initiated with regard to the interim order passed in this O.A. i.e. with regard to status quo, ^{and} Since the respondents have clarified that the applicant is continuing in service and no grievance of the applicant is forthcoming till his matter is

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adjudicated before the Hon'ble High Court in the pending Writ petition ~~is~~, the issue is pending for consideration. In view of these circumstances and the materials on record, we do not think it appropriate to continue the contempt proceedings and accordingly the contempt proceedings are dropped and notices issued to the respondents are discharged and the Contempt petition is dismissed. However, the liberty is given to the applicant to approach the appropriate forum after the disposal of the Writ petition, before the Hon'ble High Court if any grievance exists.


MEMBER-A
GIRISH/-


MEMBER-J