

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH**

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**Contempt Petition No. 154 of 2007 in  
Original Application No. 370 of 2000**

Thursday, this the 07<sup>th</sup> day of May, 2009

**Hon'ble Mr. Justice A.K. Yog, Member (J)  
Hon'ble Mrs. Manjulika Gautam, Member (A)**

Om Prakash, Son of Sri Sewati Lal, Resident of Village Kalyan Garhi, Mauza Aharan, Tehsil Etmadpur, District Agra.

Applicant

By Advocate: Sri K.K. Mishra

Vs.

1. Smt. Neelam Srivastava, Chief Post Master General, U.P. Circle, Lucknow.
2. B.L. Meena, U.P. Mandaliya Nirikshak, Dak Ghar (Purva), U.P. Mandal, Agra.

Opposite Parties

By Advocate: Sri R.K. Srivastava

**O R D E R**

**Delivered by Justice A.K. Yog, J.M.**

Heard Sri K.K. Mishra, Advocate/Counsel for the applicant and Sri R.K. Srivastava, Advocate/Counsel appearing for the opposite parties, and perused the pleadings on record.

2. According to respondents, final order of the Tribunal dated 20<sup>th</sup> November 2006 in O.A. No. 370 of 2000 (Om Prakash vs. Union of India and others) was challenged by the Respondents by filing Writ Petition No. 36023 of 2007 (Union of India and others vs. C.A.T., Allahabad Bench, Allahabad and another).
3. The Respondent No. 2/B.L. Meena has filed Counter Affidavit and in para-18 of it reference to Writ Petition 36023 of 2007 (filed in the High Court) is made. The Respondents filed M.A. No. 262 of 2009, (supported by affidavit of one Uma Shankar Sharma, S.S.P.O., Agra Division, Agra), and prayed for dismissal of Contempt

*[Signature]*

Petition on the ground that in the aforesaid Writ Petition, High Court, Allahabad has passed an interim order dated 01.12.2008, Photostat copy of the said order has also been annexed alongwith the affidavit, filed in support of Misc. Application, referred to above. Operative portion of the High Court reads: -

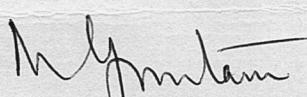
***"Until next date of listing, operation of the order dated 20.11.2006, passed by the Central Administrative Tribunal, Annexure-3 to the Writ Petition, shall remain stayed."***

It appears that at present there is no interim order.

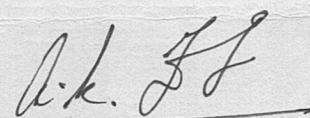
4. In view of the above, even if it is found that there has been some infraction of Tribunal Order (in question) on the part of opposite parties, the same deserves to be ignored- and not to be treated serious.

5. It may be noted that in the said Writ Petition, Om Prakash- applicant in the present Contempt Petition has been impleaded as respondent No. 2. Accordingly, it will be expedient and efficacious that applicant may appear in the said Writ Petition and place his grievance before the High Court, if any.

6. Sri K.K. Mishra, Advocate further stated that this Tribunal is not expected to discharge the notice in Contempt Petition and to reject this Contempt Petition, in as much as the applicant is not expected to file fresh Contempt Petition, in case Writ Petition is dismissed. We fail to appreciate this submission, which is preposterous and wholly untenable. Practice cannot take place of law. We find no useful purpose to be served and this Contempt Petition to be premature at this stage. Accordingly, present Contempt Petition is dismissed; notices issued to the respondents are hereby discharged. No order as to costs.



**Member (A)**



**Member (J)**