

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 13TH DAY OF OCTOBER, 2011)

Present

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. SHASHI PRAKASH, MEMBER (A)**

**Contempt Petition No.161 of 2007
IN
Original Application No.479 OF 2005
(U/S 19, Administrative Tribunal Act, 1985)**

Chandra Prakash Tiwari,
Son of Late Mathura Prasad Tiwari,
Resident of Village Nainsar,
Post-Teghara (Peepaganj),
District-Gorakhpur.

.....Applicant

V E R S U S

1. Pankaj Mishra, Intelligence Officer, Directorate of Revenue Intelligence, Intelligence Cell, Gorakhpur.
2. Bachcha Singh, Senior Intelligence Officer, Directorate of Revenue Intelligence, Sub Regional Unit 467-A, Civil Lines, Kasia Road, Gorakhpur-273001.
3. S. Dutt Majumdar, D.G. D.R.I., New Delhi.
4. Mr. Ashish Verma, Add. Director D.R.I. Zonal Unit, Lucknow.

.....Respondents

Advocates for the Applicant:- Sri A. K. Tripathi

Advocate for the Respondents:- Sri Tej Prakash

O R D E R

DELIVERED BY MR. SANJEEV KAUSHIK, MEMBER (J)

Sri A. K. Tripathi, learned counsel for the applicant and Sri Tej Prakash, learned counsel for the respondents.



2. The instant contempt petition has been filed for non compliance of the order dated 08.03.2007 passed by this Tribunal in OA No.497 of 2005.

3. Pursuance to the show cause notice respondents represented through Sri Tej Prakash and they have filed compliance report on 25.4.2011. Along with the compliance report the respondents have also appended the office order dated 31.03.2011 whereby the applicant has been reinstated in service with temporary status and was posted in DRI, Sub Regional Unit, Gorakhpur. Learned counsel for the applicant Sri Tripathi submitted that he has not been given similar benefit which has been given to the applicant in OA No.933 of 2003 decide on 06.08.2004, therefore, the respondents have not complied with the directions of this Tribunal in toto, whereas Sri Tej Prakash submitted that in compliance of the order of this Tribunal the respondents have already reinstated the applicant and he has been given the temporary status, therefore, there is no willful dis-obedience of the order of this Tribunal.

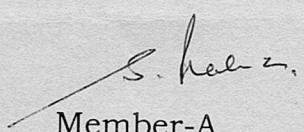
4. We are satisfied that the order dated 08.03.2007 has been complied with as this Tribunal while disposing of OA No.497 of 2005 has passed the following order:-

"11. Having considered the matter and after applying my mind to the full facts of the case and the relevant records I am of the view that there is merit in the OA which deserves to be allowed. The respondents are directed to reinstate the applicant in the place where he was being engaged. The applicant, however, will not be entitled to any allowances during the period of break i.e. the date from which he was terminated to the date of his re engagement. The respondents will further consider the case of the applicant for temporary status in the light of the decision given by the Patna Tribunal. If the facts and circumstances of the present applicant is found to be similar to that of Shri Vinod Kumar, Uchil sav and Sri Babu Lal Paswan then the case for temporary status and regularization should also be considered on the same footing."

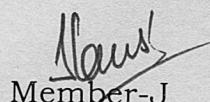


5. Therefore, we are satisfied that once the applicant has been reinstated and has been granted benefit, therefore, the contempt petition does not survive.

6. Contempt Petition is dismissed. Notices issued are discharged. With regard to the prayer made by the applicant that similar benefit has not been given and his pay has not been fixed to that of the applicant in the above stated OA, the applicant is at liberty to move representation which will be decided thereafter within a period of six weeks and the respondents look into the grievance made by the applicant and pass detailed and speaking order and if the applicant found entitled, the same benefit will be given to the applicant also.



S. *he...z.*
Member-A



Na...z
Member-J

/ns/