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(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 15th day of April, 2008.

**HON'BLE MR. ASHOK S. KARAMADI, MEMBER- J
HON'BLE MR. K.S. MENON, MEMBER- A.**

Civil Misc. Contempt Petition No. 106 of 2007

(Arising out of Original Application No. 650 of 2005)

Harish Chandra Pandey S/o late Shiv Dutt
Aged about 51 years
R/o 902 Janakpuri, Avas Colony,
Izzatnagar, Bareilly.

.....Applicant.

VE R S U S

1. Sri A.K. Upadhyay
Secretary, Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi.
2. Sri S.P.S. Ahlawat, Director,
Indian Veterinary Research Institute Izzatnagar,
Bareilly.
3. Pushpa Nayak,
Chief Administrative Officer (A)
I.V.R.I Izatnagar, Bareilly.

.....Respondents

Present for the Applicant: Sri K.P. Singh
Present for the Respondents : Sri N.P. Singh

ORDER

BY HON'BLE MR. ASHOK S. KARAMADI, J.M.

This contempt petition is filed for non-compliance of the order dated 13.03.2007 passed in O.A No. 650/05. By the said order, it is stated - "the respondents may file objection, if any within a period of one



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week and list these applications for orders on 22.03.2007. We hope that the respondents will not complicate the matter by doing anything till then.”.

2. Based on the above order, learned counsel for the applicant submits that the respondents have taken steps inspite of the order passed on 13.03.2007, for which, the action should be taken against the respondents for disobeying the order.

3. On notice, the respondents have filed Counter Affidavit stating therein that the respondents are not disobeyed the order having regard to the fact in the absence of any specific order by the Tribunal vide order dated 13.03.2007 on MAs filed by the applicant and further stated that the O.A and MAs, filed by the applicant are pending consideration and further have stated that in the order dated 26.06.2007, it is specifically mentioned that “....this promotion order is subject to outcome of the Court case.....”, therefore, sought for dismissal of the contempt petition.

4. We have heard learned counsel for the parties and perused the documents on record. Learned counsel for the applicant has taken through the orders passed on 13.03.2007 in M.A and submits that having regard to the expression made in the order, it is the intention of the court that the respondents should not proceed in the matter. Having regard to the fact that the respondents have taken time in the matter, therefore, without bonafide intention, the respondents proceeded in the matter to consider the case of others with regard to the post, to which the applicant is entitled , which amounts to disobedience of the orders passed on 13.03.2007.

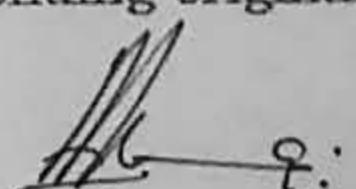


5. On the other hand, learned counsel for the respondents submits that as the respondent's authorities highest regard to the court's order and the matter is also pending, therefore, the respondents are obeyed the orders to be passed in the pending O.A and MAs and sought for dismissal of the same.

6. On consideration of the rival contentions, we thought it just and proper to reproduce the order passed on 13.03.2007: -

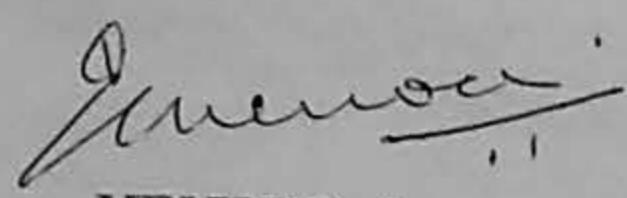
"The respondents may file objections, if any within a period of one week and list these applications for orders on 22.03.2007. We hope that the respondents will not complicate the matter by doing any thing till then.

7. It is clear from the order that the court's intention was since the respondents' counsel took time to file Objection and ready to argue the matter finally, therefore, the matter was adjourned and court expressed its view -"hope that the respondents will not complicate the matter by doing any thing till then". But subsequent conduct of the respondents by taking decision in the matter when the matter is pending, whether it amounts to contempt or disobedience of the order dated 13.03.2007, in our opinion, in the absence of specific direction to the respondents by way of interim order or direction, cannot be said to be a disobedience. However, the conduct of the respondents cannot be said to be without knowledge of the proceedings. Having regard to the said fact, on perusal of the subsequent documents produced by the respondents clearly goes to show that the respondents have the knowledge of the pending original

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proceeding. In that view of the matter, the decision or order passed by the respondents is subject to the result of the Original Application pending before this Tribunal. Having regard to the same, we do not find any justifiable ground to continue with the contempt proceedings, accordingly it is dropped and the notices are discharged.



MEMBER- A.



MEMBER- J.

/Anand/