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Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: this the 9th day of May, 2008

Contempt Petition No. 140 of 2007

IN

ORIGINAL APPLICATION NO. 916 2007

Hon'ble Mrs. Meera Chhibber, Member-J

Hon'ble Mr. N.D. Dayal, Member-A

Kapil Kishore Lal, S/o late Bindeshwari Lal Srivastava, R/o Village and Post Office Mijhaura, Distt: Ambedkar Nagar, presently posted as Divisional Accounts Officer Grade II, in the office of Executive Engineer, Tubewell Division, Faizabad.

...Applicant.

By Adv: Shri M.K. Mishra

V E R S U S

1. Smita Chaudhary, Accountant General (A&E). II UP, Allahabad.
2. Awadhesh Mall, Deputy Accountant General (Works), in the office of Accountant General (A&E), II UP Allahabad.
3. Om Prakash Srivastava, Executive Engineer, Tubewell Division, Faizabad.
4. IBS Dhariwal, Deputy Accountant General (Works), in the office of Account General (A&E), Allahabad.

...Respondents.

By Adv: Shri S. Chaturvedi

O R D E R

By Hon'ble Mrs. Meera Chhibber, Member (J) :

The Contempt Petition was filed alleging disobedience of interim order~~s~~. ~~Refused order~~ dated 17.09.2007. On 17.09.2007 counsel for the applicant had made a statement that applicant is on medical leave though no document to that effect was annexed. Respondents were directed to maintain status quo for

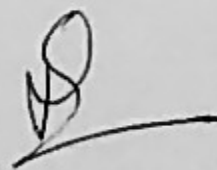
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14 days with an observation that further continuance of interim order shall be considered on next date.

2. In the Contempt Petition notices were issued, but on 10.04.2008 it was directed to be listed alongwith OA No. 916/07. Therefore, today we have heard both Contempt Petition as well as OA. We have already disposed off OA by passing a detailed order, whereby we have directed the applicant to join at the place of posting within 1 week from today and then given his representation which would be considered by the respondents.

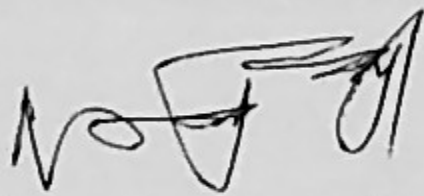
3. In the Contempt Petition applicant has stated that on 18.09.2007 applicant went to join the office with fitness certificate (page 30 and 32). He was allowed to join on the post of Divisional Accounts Officer Grade II at Faizabad. It was only on 01.10.2007 that the Accounts Officer in the office of respondent No. 2 wrote a letter to respondent No. 3 that applicant is to be deemed to have been relieved (page 34) pursuant to which letter dated 10.10.2007 was issued by the office at Faizabad by observing that he is deemed to have been relieved (page 36).

4. From above facts and documents annexed by the applicant ^{it is clear that} ~~that~~ after the order of the status quo was passed on 17.09.2007, applicant was indeed allowed to join at Faizabad therefore whether applicant was



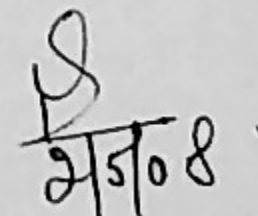
already relieved or not was not clear to the office at Faizabad itself. Counsel for the applicant even ~~placed even placed~~ ^{produced} his pass book for perusal to show that he was even paid salary for the said period. In these circumstances the best thing should have been to seek clarification from the Court because as per respondents counter affidavit, applicant was already relieved on 18.07.2007 (Page 16). However, in view of the confusion created by respondents themselves in allowing the applicant to join at Faizabad, the period after 10.10.2007 should be regularized by granting leave of the kind due subject ot applicant giving his application to that effect.

5. Since office of respondent No. 2 had interpreted the order of Tribunal with reference to applicant's relieving order, it cannot be held that respondents have committed any wilful disobedience. Accordingly, with above direction in view of peculiar facts of the case this contempt petition is dropped. Notices issued are discharged.



Member (A)

/pc/



Member (J)