

(3)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD

PRESENT:

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J  
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A

Allahabad this the 19<sup>th</sup> day of September, 2008

CONTEMPT PETITION NO. 127 OF 2008

**ARISING OUT OF**

**ORIGINAL APPLICATION NO. 1094 OF 2006**

Shambhu Narain Singh Patel, S/o late Hari Prasad Singh, R/o Village and Post Chamaw, District Varanasi (working as Up Dakpal) Chamaw, Post Office Shivpur under Superintendent Postal Department, Varanasi, West Division, Varanasi.

...Applicant.

By Advocate : Sri Raj Kumar.

**Versus**

1. Sri Saiyed Mohd. Jama, Superintendent, Postal Department, Varanasi, West Division, Varanasi.

...Respondent.

By Advocate :

**O R D E R**

Delivered: By Justice A.K. Yog, Member-J

Heard learned counsel for the applicant.

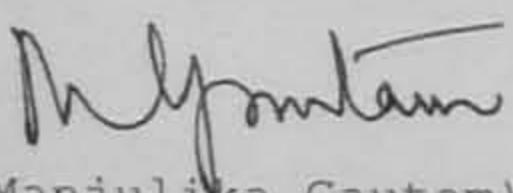
2. We find no specific averment/pleadings in the Contempt petition which may indicate that final order of the Tribunal(in question, dated 21.1.2008 in O.A. no. 1094 of 2006) purported to have been sent by Registered Post on 30.1.2008 tendered otherwise 'defacto' to the Opp. Party -Sri Saiyed Mohd Jama and/or he has knowledge of the said order.

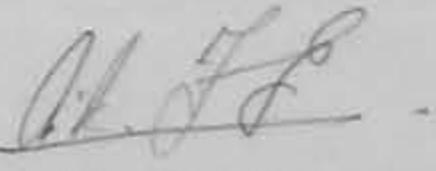
~~The <sup>second</sup> <sup>part</sup> of the~~ <sup>part</sup> ~~application~~ refers. There is no material to show that the applicant made efforts to communicate/covey/or place before the Opp. Party-

*AN*

order of the Tribunal at any stage. Even the 'Registered Post' communication is not addressed to the Opp. Party by his name. Same applies to the filing of affidavit (PP 21 of CCP). Sending order by Registered Post or filing of application/affidavit etc. with reference to 'office'/official designation does not justify or warrant to draw an inference of knowledge to an incumbent of office, in question. Unfortunately, the applicant has failed to appreciate that no contempt is constituted unless it is specifically averred (since the counsel fails to point out) that the Opp. Party was incumbent of the office at relevant point of time who was communicated and apprised with the order, in question. We may point out that there is no pleadings in this Contempt petition that Mohd. Jama held the office, in question, on relevant date i.e. when Registered letter/affidavit were tendered in the concerned office (referred to above). Essential facts not being pleading essential ingredients required in law to constitute Contempt of Tribunal/Court, are conspicuously of Contempt jurisdiction is not warranted.

2. In view of the discussions made above, present CCP is dismissed. However, we permit the applicant to submit/file certified copy of this order (alongwith a copy of this Contempt petition) by Registered post to the concerned officer by name or serve him personally to the Opp. Party and on refusal or failure to comply with Tribunal's order, in question. Fresh Contempt petition can be filed provided it is in accordance with law.

  
(Manjulika Gautam)  
Member (A)

  
(A.K. Yog)  
Member (J)