

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 27th day of **March, 2009**.

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER- J.
HON'BLE MR S. N. SHUKLA, MEMBER- A.**

CIVIL CONTEMPT PETITION NO. 153 OF 2008

(Arising out of O.A No. 1498 of 2005)

Rakesh Mittal, aged about 56 years, Son of Late Dr. B.B. Mittal, resident of house No. 1, Old Police Line, Court Road, Dehradun, Presently posted as Commandant General, Home Gaurds, Uttarakhand.

...Applicant.

V E R S U S

S.K. Das, Chief Secretary, State of Uttarakhand at Dehradun.

..... opposite party

Present for applicant : Sri Chandan Sharma
Present for opposite party: Sri R.K. Pandey

O R D E R

Delivered by Hon'ble Mr. Justice A.K. Yog, J.M.

Learned counsel for the applicant informs that the present Contempt Petition was filed in view of breach of the final order dated 01.05.2008 passed in O.A No. 1498/2005 (Rakesh Mittal Vs. U.O.I. & Ors.). He further informs that final order of the Tribunal has been challenged before Hon'ble High Court, Uttarakhand and the said final order has been stayed.

2. Learned counsel for the applicant, in view of the above, submits that hearing of this contempt petition be adjourned.

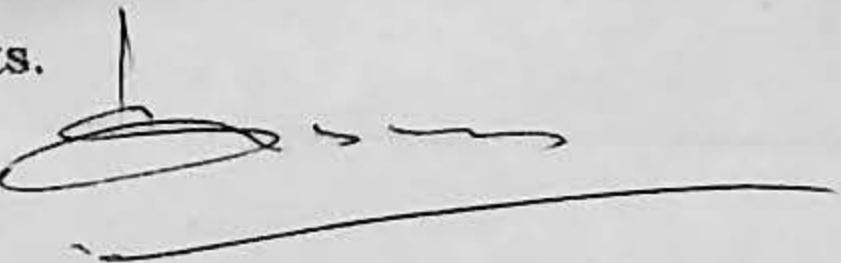
(A)

3. However, in view of the information provided by the learned counsel for the applicant, we are of the opinion that this contempt petition should not be kept pending in view of the interim order passed by Hon'ble High Court, Uttarakhand and that the applicant before us can now approach before Hon'ble High for any of his grievance.

4. Contempt Petition is accordingly dismissed as ^{Q1} having rendered ^{Q2} infructuous (without determining as to whether opposite party has committed contempt) at this stage and with liberty to the applicant to seek for redressal of his grievance, if any, in accordance with law.

5. Sri R.K. Pandey, Advocate, learned counsel for the opposite party has no objection to the above order.

6. No costs.



MEMBER (A)



MEMBER (J)

/Anand/