

**CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW**

CCP No. 28/2005 in ORIGINAL APPLICATION NO. 167/2005

THIS THE 20th DAY OF APRIL, 2006

HON'BLE JUSTICE SHRI KHEM KARAN, VICE CHAIRMAN
HON'BLE SHRI A.K. SINGH, MEMBER (A)

1. Khushi Chand aged about 42 years son of Sri Muldas /o 54, Anandpuri Alam Nagar, Lucknow presently working as P.A. Mahanagar Post Office, Lucknow.

2. M.K.Singh, aged about 48 years son of Sri Bhola Singh R/o 699, Sector N-2, Aliganj, Lucknow presently working as ASPM, Mahanagar, Post Office, Lucknow.

...Applicants

By Advocate: Shri R.S. Gupta

Versus

1. M.S. Abha Singh Director , Postal Services, Office of Chief Post Master General, U.P., Lucknow.
2. Shri K.K. Yadav, SSPOs, Lucknow.
3. Sri I.S. Srivastava, SPM, Mahanagar, Lucknow

...Respondents

By Advocate: Shri Deepak Shukla holding brief of Sri Prashant Kumar

ORDER (ORAL)

BY HON'BLE JUSTICE SHRI KHEM KARAN, VICE CHAIRMAN

Heard Shri R.S. Gupta , learned counsel for applicants and Shri Deepak Shukla holding brief of Sri Prashant Kumar appearing for the respondents. Also perused the material on record.

2. This Tribunal finally disposed of the O.A. with the following directions:

“The O.A. can be disposed of at the admission stage itself with direction to the respondent No.2 to decide the representation of the applicants, copy of which shall also be filed along with this order by the applicants before noon on the next working day. If such a representation is filed in the stipulated time, the order dated



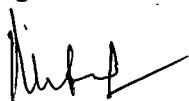
13.4.2005 of respondent No.5 (Annexure -1) would not be given effect to till the decision of the representation.”

3. The applicant has stated that the copy of the said order dated 15.4.05 was delivered to C.C.P. and respondent No. 2 in O.A. No. 167/05) together with the copy of representation dated 13.4.05 but S.P.M. Mahanagar, Lucknow in the said O.A. refused to comply with the said orders and respondent No. 2 also not cared to comply with the said directions by disposing of the representation and by issuing necessary directions in relation thereto. The applicant filed this application under section 17 of the Administrative Tribunals Act, 1985 in the last week of April, 2005 saying that the respondents 1 to 3 have willfully disobeyed the above mentioned directions of the Tribunal. In their reply, the respondents have stated in para 6 that the representation was decided on 16.5.05 in compliance of orders of this Tribunal. It has also been said that the authority concerned has never intended to flout or disobey any orders passed by this Tribunal and even if it finds that there has been any disobedience on the part of the opposite parties, they tender unconditional apology for the same (see para 8). In Supplementary Counter Affidavit filed by the opposite party No.2, it has also been said that there were serious charges of misappropriation of huge public money and by the transfer order dated 13.4.05, they were simply shifted from that sensitive post to another seat in the same office. In para 6 of this Supplementary Counter Affidavit it has also been said that though the applicants signed the attendance register but deliberately avoided to do any work and not only this, they also threatened to commit suicide. It has again been reiterated in para 9 that the deponent never intended to flout orders of the Tribunal and have great respect for the orders of the court and the Tribunal.

4. After perusing the entire material on record and hearing the parties' Counsel, we are of the view that it is not a fit case where the



opposite parties should be punished for willfully disobeying the orders of this Tribunal. No prima facie case is made out for framing the charges etc. Even if there was some disobedience in any respect, they have already tendered the apology, which we see no reason to reject. So, the contempt proceedings are dropped and notices issued are discharged.



(A.K. SINGH)
MEMBER (A)



(KHEM KARAN)
VICE CHAIRMAN

HLS/-