

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**Contempt Petition No. 61/2009 in O.A. No.430/2008**

**Reserved on 19.2.2015**

**Pronounced on 24-02-2015**

**Hon'ble Sri Navneet Kumar , Member (J)**

**Hon'ble Ms. Jayati Chandra, Member (A)**

Vinod Kumar Shukla aged about 52 years GDS Dak Wahak , Kursi Sidhauri, District Sitapur presently working as GDS Ataria (Sitapur)

Applicant

By Advocate: Sri Praveen Kumar

Versus

1. Sri M.C. Pandey, SPOs, Sitapur.
2. Sri Vinod Kumar, SDI (S), Sitapur.
3. Sri Sunder Lal, SPM, Sidhauri (Sitapur).
4. Sri Krishna Chandra GDS, EPM, Ataria District Sitapur.
5. Sri Virendra Tewari, Overseer, Sitapur(s), Sitapur.

Respondents

By Advocate: Sri Sri G.K.:Singh

**ORDER**

**BY HON'BLE SRI NAVNEET KUMAR, MEMBER (J)**

The present CCP is preferred by the applicant for non-compliance of order dated 11.12.2008 passed by this Tribunal in O.A. No. 430/2008, through which the Tribunal provided as an interim measure that parties will maintain the status quo till next date of listing. Subsequently, the O.A. was heard and finally disposed of by means of order dated 20<sup>th</sup> November, 2014 through which the Tribunal passed the following orders:-

“12. Considering the observations of the Hon'ble High Court as well as the decisions rendered by this Tribunal as mentioned above, and also on the basis of the facts of the notice dated 24.11.2008 , we deem it appropriate to interfere in the present O.A. and issuance of the notice dated 24.11.2008, second show cause notice dated 9.3.2009 and the removal order dated 28.5.2009 are liable to be quashed and are accordingly quashed.”

2. Since the O.A. is finally disposed of, as such it is settled proposition of law that interim order always merges in the final order after decree is passed. This issue has also been dealt with by the Hon'ble Apex Court in the case of **Kanwar Singh Saini Vs. High**

Court of Delhi reported in (2012) 4 Supreme Court Cases, 307 and Hon'ble Apex Court has held as under:-

**“17. Application under Order 39 Rule 2-A CPC lies only where disobedience/breach of an injunction granted or order complained of was one that is granted by the court under Order 39 Rule 1 and 2 CPC, which is naturally to ensure during the pendency of the suit. However, once a suit is decreed, the interim order, if any merges into the final order. No litigant can derive any benefit from mere pendency of case in a court of law, as the interim order always merges in the final order to be passed in the case and if the case is ultimately dismissed, the interim order stands nullified automatically.”**

3. As observed by the Hon'ble Apex Court in the case of **Haribhau Dagdu Tandale Vs. Industrial Cooperative Associaton Ltd. And Others** reported in (1996) 10 SCC-714 the Hon'ble Apex Court has been pleased to observe as under:


**“The other contention that the interim order merges with the final order and therefore, in the absence of any separate appeal against the final order, the appeal against interim order will become infructuous, is also without substance. If the foundation is knocked off, structure standing on it cannot stand in the air and will authomatically falls down.**

4. As observed by the Hon'ble Apex Court in the case of **Shiv Shankar and Others Vs. Board of Directors, U.P.S.R.T.C. and another** reported in 1995 Sipp(2) SCC 726, the Hon'ble Apex Court has been pleased to observe as under:

**“At the same time once the petition was dismissed without any adjudication on merits the effect of dismissal was that interim order stood merged in the final order and the order of absorption stood nullified.”**

5. As observed by the Hon'ble Apex Court in the case of **Amarjeet Singh and Others vs. Devi Ratan and Others** reported in (2010) 1 SCC 417, the Hon'ble Apex Court has been pleased to observe as under:

**“No litigant can derive any benefit from mere pendency of case in a court of law, as the interim order always merges in the final order to be passed in the**

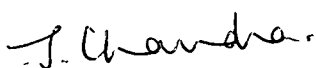


**case and if the writ petition is ultimately dismissed, the interim order stands nullified automatically.”**

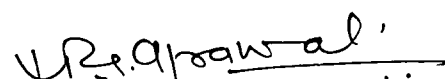
6. In the case of **Jaipur Municipal Corpn vs. C. L. Mishra reported in (2005) 8 SCC 423**, the Hon'ble Apex has been observed that **interim orders cease to be operative on passing of final order, with which they ultimately merge.** It has also been observed that **Normally, contempt is a matter between the court and the alleged contemnor. The applicant who files the contempt petition does so only for the purpose of bringing it to the notice of the court that the order passed by it has not been complied by it.**

7. There can be no dispute in regard to settled legal proposition and finding or a court of Tribunal becomes final once the forum is found to have no jurisdiction and it is also settled legal proposition that the executing court does not have the power to go behind the decree.

8. As per the observations of the Hon'ble Apex Court and also on the basis of facts of the case, the contempt petition was filed against the interim order and after disposal of the O.A., interim order merges with the final order. Accordingly, the present contempt petition has rendered in-fructuous, therefore, the same is dismissed. Notices issued to the respondents stand discharged.



**(Ms. Jayati Chandra)**  
**Member (A)**



**(Navneet Kumar)**  
**Member (J)**

HLS/-