

(P.W.D.)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

Contempt Petition No. 23/91

R.P. Saksena

Petitioner.

versus

Smt. Archna Datta

Opposite Party.

Hon. Mr. K. Obayya, A.M.

Hon. Mr. S.N. Prasad, J.M.

The above Contempt Petition has been filed for non-~~imple~~mentation of the order and judgment dated 22.2.91 in O.A.25 of 91. The applicant who is working as Project Operator in the Field Publicity Department, Govt. of India, Lucknow, challenged his transfer order dated 11.1.91 by which he was transferred from Lucknow to Agra. On considering the matter, since the applicant was already relieved from this post at Lucknow, the respondents were directed to consider the transfer of the applicant to any place within Lucknow region and the application was allowed ~~with~~ ^{that} the above direction. The applicant is aggrieved ~~with~~ ^{that} the above direction of the Tribunal as contained in judgment dated 22.2.91, ~~as~~ ^{it} has not been complied with and has come before us with this contempt Petition.

2. Show cause notice was issued to the contemnor Smt. Archna Datta, Regional Officer, Directorate of Field Publicity, Regional Office, Lucknow and has filed counter affidavit swearing in, interalia, that there has been no default on the part of the contemnor in compliance with the aforesaid order of the Tribunal and orders dated 23.5.91 were issued transferring the applicant to Mainpuri unit which is within Lucknow Region.

3. The learned counsel for the respondents, however,

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raises the issue of payment of salary to the applicant from 12.3.91. It would appear that the applicant was not paid his salary from 12.3.91. The learned counsel for the applicant agreed that the dues of the applicant will be settled.

6. Though, the order of transfer was issued on 23.5.91, the applicant has not yet joined at the new station. Considering all the aspects of the matter we are of the view that the direction of the Tribunal has been complied with, in as much as the applicant was transferred to Mainpuri which is within Lucknow Region. There is some delay in compliance of Tribunal's direction which is explained as the time taken to examine and process the case, this cannot be construed as wilful default in complying with the orders of the Tribunal.

5. In the circumstances, we hold that the allegation of contempt is not established and accordingly we discharge the Show-cause notice issued to the contractor, and the contempt proceedings are dropped.

Shaktel/


J.D.L.

Lucknow Dt. 2/6/91.


Addl. D.L.