

(A5)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

Contempt Petition No. 7 of 1991

18.7.91

Hari Prakash Misra
Mr. M. Dubey

Petitioner
Counsel for Petitioner

versus

Smt. Neelam Srivastava

and another

Respondents.

Mr. V.K. Chaudhary

Counsel for the
Respondents.

Hon. Mr. Kaushal Kumar, Vice Chairman.

Hon. Mr. D.K. Agrawal, Judl. Member.

(Hon. Mr. Kaushal Kumar, V.C.)

We have heard both the learned counsel. In
O.A. 175/1990 a Bench of this Tribunal, vide order
dated 16.8.1990 directed as follows:

"We feel that the applicant should first
approach the reviewing authority before seeking
remedy from this Tribunal. The Reviewing
authority should go into all the aspects of the
matter, particularly those referred to above,
give the applicant an opportunity of being
heard and pass a speaking order. He will also
hear Ram Krishan Rathore before disposing of
the review application. The applicant will
make his application for review within fifteen
days from the date of receipt of this order.
The reviewing authority will treat it as having

M. Dubey
(87769)

been filed in time, consider the same as directed by us above and intimate his decision to the applicant within one month thereafter. If the decision goes against him, the applicant will be at liberty to approach this Tribunal."

As per directions of the Tribunal the respondents finally disposed of the representation filed by the applicant vide order dated 27.2.91, a copy of which has been filed as Annexure with the counter affidavit filed by the respondents. The direction given by the Tribunal has been complied with by the order dated 27.2.91. However, the learned counsel for the applicant has raised two points, namely that the Review Application was not disposed of within the time limit as stipulated ~~and~~ in the judgment and secondly, that the Reviewing authority has not taken into account the observations made by the Bench in the body of the judgment dated 16.8.90. He also contended that the order passed by the reviewing authority is not a speaking order.

2. Having heard both the learned counsel and gone through the judgment of the Tribunal, as also the order passed by the reviewing authority we are satisfied that there has been no wilful disobedience or flouting of the directions given by the Tribunal in its judgment dated 16.8.90. The contempt is primarily an essential ^{a matter} between the court or Tribunal and the contemner and we are satisfied that in these ^{alleged} ^{of the case} circumstances the contempt petition no longer survives. Therefore, the Contempt Petition is dismissed and the notices issued are discharged.

Subhramanyam
18-7-91

(A7)

-3-

3. M.P. 350/91 In this M.P. a prayer has been made by the respondents for dropping the contempt proceedings. In view of order passed in Contempt Petition 7/91, M.P. 350/91 has become infructuous and is dismissed as such.

4. C.M. 42/91 In this application the prayer has been made for quashing the impugned order before the reviewing authority had passed the order dated 27.2.91. Admittedly, the applicant has since filed another Original Application No. 117/91 after passing of the order by the reviewing authority. As such C.M. 42/91 has also become infructuous. Accordingly, it is also dismissed. No order as to costs.

D&G

Judl. Member.

H. Kumar
18.7.91

Vice Chairman.

Shakeel/

Lucknow Dated: 18.7.91