

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Contempt Petition No.3/2003.

In
Original Application No.72/1994.

Lucknow; this the day of 21st September, 2004.

HON'BLE SHRI SHANKER RAJU, MEMBER (J)
HON'BLE SHRI S.C. CHAUBE, MEMBER (J)

Najmul Hasan

Applicant.
By Advocate:- Shri S. Bhatnagar.

Versus.

Kamleshwar Prasad Postmaster General, Gorakhpur Region, Gorakhpur.

2. Banarsi Lal, Sr. Superintendent R.M.S. 'G' Division, Gorakhpur.

...Opposite Parties.

By Advocate:- Shri Sunil Sharma.

ORDER (ORAL)

(BY SHRI SHANKER RAJU, MEMBER (J)).

Learned counsel for applicant assails the order passed on 6.8.2002 on the ground that the same is not in true letter and spirit ^{of} the direction of this Tribunal contained in order dated 2.5.2002 where finding the punishment as shockingly disproportionate, appellate authority has been directed to modify the punishment. According to the applicant the modified punishment is more severe than what has been imposed earlier, as this would have the effect of reducing the emoluments of the applicant as well as the pensionary benefits.

2. It is trite law that in a contempt matter, no right can be created in favour of the parties and a contentious matter can not be dealt with. If a new cause of action has arisen, law shall take its own course.

3. In this view of the matter with liberty to the applicant, we do not find any wilful and contumacious disobedience on the part of the respondents. C.C.P. is dismissed, notices are discharged with the aforesaid liberty.


(S.C. CHAUHAN)
MEMBER (A)


(S. RAJU)
MEMBER (J)

Dated:-21.09.2004.
Lucknow.