

Central Administrative Tribunal, Allahabad Bench, Allahabad

CCP No. 94/2004

in

Original Application No. 547/1994

this the 19th day of October, 2006

Hon'ble Shri Justice Khem Karan, Vice Chairman

Hon'ble Shri P.K.Chatterji, Member (A)

Ravindra Kumar Pandey aged about 44 years son of Shri Brij Raj Pandey
R/o Village Mahimapur, Post Dalpatpur, District- Faizabad.

...Applicant

By Advocate: Sri A.K. Baladia

Versus

1. Mr. B.K. Shukla ,General Manager, (Telecommunication)
Maintenance, Akriti Tower, Lucknow.

Respondents

By Advocate: Sri G.S.Sikarwar
Sri Veer Raghav for Sri Sunil Sharma for R.No. 4

ORDER(ORAL)

By Hon'ble Shri Justice Khem Karan, Vice Chairman.

It transpires from the perusal of the material on record that this Tribunal passed an order on 11.9.2001. Relevant portion of which is as under:-

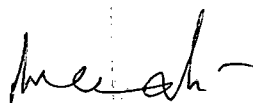
"8. Under the circumstances , the respondents should consider the applicant's claim for being inducted as Phone Mechanic with effect from the year 1994. It is true that the applicant cannot be inducted as Phone Mechanic till he clears the qualifying Screening test. The respondents may subject the applicant to qualifying Screening test within a period of six months from the date of receipt of copy of this order and in case the applicant qualifies the screening test, he may granted seniority of 1994. Accordingly contempt proceedings are dropped and notices are discharged."


2. The applicant moved contempt petition saying that the above direction of the Tribunal had not been complied with. That contempt petition was finally disposed of vide order dated 19.7.2004. The bench though discharged the contempt notice also provided⁴ that in case the applicant submitted the prescribed form within a certain period , the authority concerned shall take further necessary action within a period of 2 months

in compliance of the order passed by this Tribunal. The applicant has filed the second contempt petition alleging that the respondents have not only disobeyed the order of 2001 but also of 2004, by not holding the Screening test as directed. The respondents has filed reply saying that the orders were complied with by passing order dated 3.3.2005, copy of which has been annexed with the reply.

3. Shri Baladihya has submitted that it is clearly stated in this compliance order dated 3.3.2005 that the applicant is not fit for Screening Test as he does not fulfill the requirement laid down under the relevant orders on the subject. According to Shri Baladihya not holding the Screening test in compliance of the order of this Tribunal dated 2001 and 2004, the respondent No.1 has committed contempt of court. Shri Sikarwar has submitted that the order dated 3.3.2005 has also been challenged in W.P. No. 7683 (SS) 2004 which is pending before the Hon'ble High Court. It is submitted by Sri Sikarwar that the second contempt petition in respect of order of 2001 is also not maintainable. Shri Baladihya has tried to say that only that portion of the order dated 3.3.2005 is being challenged in the Writ Petition by which temporary status of the applicant was denied.

4. We have considered the respective submissions in the light of the material on record. We are of the view that no prima facie case for willful disobedience of order is made out and moreover it is also doubtful whether second contempt petition for disobedience of direction of 2001 is maintainable after discharging of notice on 14.7.2004. Moreover, it is also some thing special that the order dated 3.3.2005, ~~said to be the order by~~ which the direction are said to have been complied with, is under challenge in W.P. pending before the Hon'ble High Court. So for all these reasons, the contempt proceedings are dropped and notices issued to the respondents are discharged.


Member (A)


Vice Chairman

HLS/-