

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

Contempt Petition No.70 of 2005  
In  
Original Application No.176/2005  
This the 21<sup>st</sup> day of December 2005

**HON'BLE SHRI JUSTICE M.A. KHAN, VICE-CHAIRMAN**  
**HON'BLE SHRI S.P. ARYA, MEMBER (A)**

A.K. Tandon aged about 60 years S/o Late Dr. Bal Mukand R/o 12 D.M. Compound, Laibagh, Lucknow working as Special Secretary, Agricultural Production Commissioner Branch Civil Secretariat, Govt. of U.P., Lucknow.

...Applicant.

By Advocate: Shri Amit Verma for Shri A. Moin.

Versus.

1. Shri A.N. Tewari, Secretary of Personnel and Training, New Delhi.

...Respondents.

By Advocate: Shri Deepak Shukla for Shri Prashant.

ORDER (Oral)

**BY HON'BLE SHRI JUSTICE M.A. KHAN, VICE-CHAIRMAN**

M.P.No.3282/2005.

1. The applicant has filed this application for impleadment of Shri Deepak Trivadi, Secretary (Appointment), Civil Secretariat, Lucknow as Respondent No.2 in the Contempt Petition.
2. The Tribunal by order dated 27.4.2005 passed in O.A.No.176/2005 had decided the respondents to dispose of the pending representation of the applicant by a detailed and speaking order within three months from the date of receipt

*Recd. a/c*

of a copy of the order leaving it open to the applicant to approach this Tribunal in accordance with law if his grievance still survived. The applicant has filed the contempt petition complaining that the order of the Tribunal has not been complied-with. In the contempt petition, notice has been issued to the Secretary, Department of Personnel and Training, New Delhi. The present application is filed for impleading Shri Deepak Trivadi, Secretary (Appointment), Civil Secretariat, Lucknow as Respondent No.2 in the Contempt petition. The applicant has submitted that the respondent in the Contempt petition has submitted reply that the applicant has since been confirmed in service but further action like fixation of his pay is to be taken by the State of U.P. He has submitted that Secretary U.P. Government has not issued further orders with regard to fixation of pay.

3. The Tribunal has issued the notice to the Secretary, Department of Personnel and Training, New Delhi and question of impleading Shri Deepak Trivadi, Secretary (Appointment), Civil Secretariat, Lucknow or any other officer for committing contempt did not arise in this case. Intact what was required from the Respondent No.1, Union of India has already been done by it. The applicant has been confirmed in IAS, U.P. Cadre and only his pay is to be fixed. The direction of the Tribunal was only for disposing off his representation by Respondent No.1.

*Manek Deo*

4. To our view, M.P.No.3282/2005 has no force. Learned counsel for applicant has placed reliance to the decision of D.P. Badola Vs. Arvind Deve and Another reported in (1993) 24 ATC (FB) 464. The aforesaid decision is not applicable in the present case as the facts were totally different. The power of Tribunal to issue notice to a person who in its view has committed contempt of its order is not questioned. The question is whether Shri Deepak Trivadi, Secretary (Appointment), Civil Secretariat, Lucknow has committed contempt. There is no direction or order of this Tribunal which has been also disobeyed by the Shri Deepak Trivadi willfully or deliberately for which proceedings under Competent of Courts Act 45<sup>2</sup> initiated against rules. Accordingly the M.P.No.3282/2005 is dismissed.

5. With the consent of the counsel for the parties we have heard C.C.P. also as the date was fixed as 6.1.2006. As the order of the Tribunal has been complied-with and the representation of the applicant has already disposed off by confirming him in IAS, U.P. Cadre, we are of the view the respondent cannot be said to have committed contempt of the order of the Tribunal. Accordingly, the C.C.P. is also dismissed. Notice discharged. Need not be listed on 6.1.2006.

24/36  
(S.P. ARYA)  
**MEMBER (A)**

/Ak/

M.A. KHAN  
**(M.A. KHAN)**  
**VICE CHAIRMAN**