

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH

LUCKNOW

Contempt Petition No. 4/90

In

O.A. 2/90.

Paras Nath

...Applicant/Petitioner.

versus

Katwaroo Ram

...Respondent.

Hon. Mr. Justice K. Nath, Vice Chairman.

Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice K. Nath, V.C.)

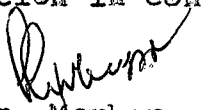
We have heard the learned counsel for the applicant. An interim order was passed in O.A. 2/90 on 4.1.90 directing that the respondents will permit the applicant to continue to work as Extra Departmental Male Peon at Post Office Sharifabad and that no appointment shall be made on the post held by him. The orders were passed to issue notices in the matter of interim relief. A copy of the order was given to the counsel for the petitioner on 5.1.90.

2. The grievance of the petitioner in this contempt application is that on 5.1.90 the petitioner personally visited the Post Office and brought the stay order to the notice of the respondents but the respondents prevented the petitioner from working and instead allowed respondent No. 3 to continue to work on the post.

3. In the proceedings of 19.2.90, it was noticed that according to the counter in the original application, the copy of interim order had been received by the

respondents only on 11.1.90. The applicant was therefore, directed to file a supplementary affidavit to prove the fact, inter alia, of serving the interim order on the respondents on 5.1.90 itself. In the Supplementary Affidavit, supported by the affidavit of village Pradhan Shri Mangal, although it is stated that the applicant had visited the Post Office on 5.1.90 and informed the Overseer of the passing of the stay order, it is not stated that the copy of the interim order was also produced before the respondent. Indeed in para 7 of the application, it is stated that certified copy of the order was despatched by the petitioner to respondent No. 1 under Certificate of Posting on 5.1.90. That indicates that ^{even if} ~~after~~ the applicant might have visited the post office on 5.1.90, he did not produce the interim order before the concerned authority. There is no question, therefore, of finding the respondents to be guilty of committing the contempt. The petition for action in contempt is rejected.

Shakeel /s/


Adm. Member.


Vice Chairman.

Dated: 25.7.90