

Central Administrative Tribunal Lucknow Bench Lucknow

CCP No. 12/2007 in O.A.8/2006

This, the 23 day of December, 2008

Hon'ble Mr. M. Kanthaiah, Member (J)
Hon'ble Dr. A. K. Mishra, Member (A)

Muneshwar Singh Yadav aged about 30 years on of GDS BPM, Ghaila,
District Lucknow r/o Village & P.O. Ghaila, District- Lucknow.

Applicant.

By Advocate : Sri R.S.Gupta

Versus

1. Sri R.K. Mishra, SSPOs, Lucknow..

Respondents.

By Advocate : Sri S.P.Singh for Sri G.K. Singh

ORDER

By Hon'ble Mr. M.Kanthaiah, Member (J)

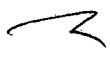
The applicant has filed this contempt petition under Section 17 of the AT Act, 1985 read with Contempt of Court Act, 1971 to punish the respondent on the ground that they have willfully and deliberately disobeyed the orders of the Tribunal dated 13.2.2006 by way of interim relief.

2. The respondents have opposed the claim of the applicant stating that the main O.A. filed by the applicant was dismissed on 11th November, 2008 and as such this CCP is not maintainable.

3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for relief as prayed for.


5. The admitted facts of the case are that the applicant filed O.A. against the impugned order dated 5.7.2005 issued by respondent No.3 putting the applicant off duty and the order dated 6.12.2005 under which a charged sheet was issued against the applicant.




6. Before admission, this Tribunal directed the respondents to consider the periodical review of suspension as per rules but after due contest, the main O.A. was dismissed on 11th November, 2008.

7. When the main O.A. of the applicant was dismissed after due contest, the applicant is not justified to say that the authorities willfully disobeyed the orders of this Tribunal passed on 13.2.2006 by way of interim relief. In view of disposal of main O.A., the claim of the applicant for grant of interim relief will naturally merge into the main disposal and in view of disposal of O.A., the contention of the applicant that the respondents have disobeyed the orders of the Tribunal is not at all sustainable and as such, the CCP is liable for dismissal. In the result, CCP is dismissed.

Notices are discharged.


(Dr.A.K. Mishra)
Member (A)


(M. Kanthaiah)
Member (J)

23.12.08

HLS