

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.**

**CCP 332/00040/2016
In Original Application No. 489/2010**

This the 31st day of May, 2016.

Hon'ble Mr. Navneet Kumar, Member-J

Hon'ble Ms. Jayati Chandra, Member -A

Syed Azizul Hasan Rizvi, aged about 53 years son of late Shri Syed Abul Hasan Rizvi, resident of H.No. 466/59, Mohalla peer Bukhara, Post Office, Chowk, Lucknow-226003.

.....Applicant

By Advocate : In person.

Versus.

1. Sri Balvendra Kumar, presently posted as Secretary Govt. of India, Ministry of Mines, Shastri Bhawan, New Delhi.
2. Shri Harbans Singh, presently posted as Director General, Geological Survey of India, 27, J.L. Nehru Road, Kolkata-16.
3. Sri S.P. Nim, presently posted as Addl. Director Gerneral, Geological Survey of India and Head of the Department, G.S.I. Northern Region, Sector-E, Aliganj, Lucknow.

....Respondents.

By Advocate : xxxx.

O R D E R (ORAL)

By Hon'ble Mr. Navneet Kumar, Member-J.

The present contempt petition is preferred by the applicant under Section 17 of the Administrative Tribunal Act, 1985 reads with under Section 12 of the contempt of courts Act and under the rules of the Central Administrative

Tribunal (Contempt of Courts) Rules 1992. The applicant appears in person and submits that the original application was preferred by the applicant with two others vide OA No. 489 of 2010, wherein certain other OAs are connected together and the Tribunal allowed the OAs and quash the impugned order. The copy of the order was duly communicated upon the respondents but subsequently, the respondents preferred a writ petition before the Hon'ble High Court vide writ petition no. 2029 (SB) of 2011 and the Hon'ble High Court granted interim stay wherein the Tribunal order dated 12.10.2011 is stayed.

2. The order of the Tribunal was subsequently modified and Hon'ble High Court vacated the exparte stay granted on 13.12.2011 with condition that the respondents who are said to be sitting office bearers of the Employees Union of the Organization shall attend the office regularly during office hours and the petitioners/organization shall provide a separate column in the attendance register for such employees to mention the details of works done during the duty hours on regular basis. In pursuance of the order of Hon'ble High Court the respondents allowed the applicant to join and the applicant started working.

3. The applicant also preferred a contempt petition no. 40 of 2012 and indicated that the respondents made a statement that in case the applicant joins he is permitted to join and as regard the regularization of past period is concern that would be taken care by the respondents. It is also argued by the applicant that in pursuance of undertaking given by the respondents, the respondents have not taking any step in respect of regularization of past period of the applicant. Subsequently, the writ petition preferred by Union of India vide writ petition no. 2029 (SB) of 2011 stands dismissed for want of prosecution.

4. In the present contempt petition the applicant is claiming that the respondents be directed to carried out the undertaking given by them as recorded in the order dated 04.12.2012 and summon the respondents as well as punished them.

5. Upon quarry it is informed by the applicant that CCP No. 40 of 2012 stands dismissed by means of order dated 31.07.2013.

6. While dismissing the CCP No. 40 of 2012 the Tribunal observed as under:-

“In pursuance of the order dated 3.1.2013, as admitted by the counsel for the applicant as well, the applicant has submitted joining report as per the order of the Tribunal. Accordingly, the order of the Tribunal has been complied with. But still learned counsel for the applicant is aggrieved by the fact that the respondents have not come upto their assurance given on 4.12.2012. Obviously, it is beyond the scope of contempt petition. The order of the Tribunal has been complied with.

In view of the facts and submissions of both sides, we observe that the order of the Tribunal has been complied with in letter and spirit and accordingly the same is dismissed. Notices are discharged.”

7. As observed by Hon’ble Apex Court in the case of **Chhotu Ram Vs. Uravashi Gulati & others reported in 2001 7 SCC 530:**

“The Act being a powerful weapon in the hands of the courts, the same must be exercise with due care and caution and for larger interest.”

8. As observed by Hon’ble Apex Court in the case of **Prithvi Nath Ram Vs. State of Jharkhand & Ors reported in AIR 2004 SC 4277:**

“Court dealing with contempt cannot traverse beyond the order”

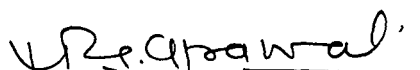
9. In the instant case, in terms of the order passed in the OA No. 489 of 2010, the applicant was allow to join and contempt petition no. 40 of 2012 is also stands dismissed by an order dated 31.07.2013. As such, no contempt lies in the present case.

10. Accordingly, the present contempt petition is dismissed.



(Ms. Jayati Chandra)

Member (A)


(Navneet Kumar)

Member (J)