

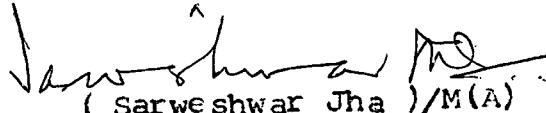
CCPA - 101/03  
(O.A. 470/96)

1/2.5.2003 Shri S. Pandey, 1d. counsel for the applicant.

This CCPA is so filed in connection with O.A. No. 470 of 1996 which was disposed of by this bench on 10.12.2002, a copy of which is filed for ready reference, submitting that the direction was so given to the concerned respondents while disposing of the said O.A. and the same be complied with within a period of three months from the date of communication of the order. It is further pointed out that the copy of the said order was made available to the respondents on 17.12.2002 and in support of which an affidavit is so filed. Even three months' time have been lapsed but the concerned respondents have not complied with the said order, hence this CCPA. The prayer is for issuance of notice to the alleged contemners.

After hearing the 1d. counsel for the applicant, we have gone through the records of the CCPA with that of annexures thereunder. Issue show-cause notice to the alleged contemners made returnable within six weeks. Notices will go to the alleged contemners no. 2 and 3 through the present Chief Secretary, Jharkhand, Ranchi, and to Respondents 1 & 3 directly. Be listed for hearing on 8.7.2003.

The 1d. counsel for the applicant has undertaken as to add the present Chief Secretary Govt. of Jharkhand, Ranchi in course of day.

  
(Sarveshwar Jha) /M(A)

(B.N.Singh Neelam) /VC

2/08.07.2003 : Both the sides are present.

Reply not filed so far. At the request of Mr. V.M.K.Sinha, the 1d. SSC, two weeks further time is allowed for the same. List it on 30.07.2003 for hearing with the name of MR V.M.K.Sinha.

skj (S.Jha) /M(A)

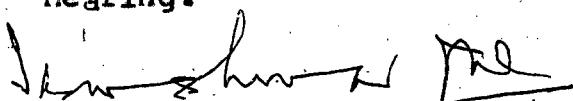
(B.N.Singh Neelam) /VC

Notice issued on 25/07/03

3/30.7.03

CM

The concerned Lawyers are present. On behalf of the alleged contestants it is submitted that as a matter of fact, orders and directions given in the concerned O.A. have already been complied with. The learned counsel for the applicant has prayed for time as to look into the matter. In that light, be listed on 12.8.03 for hearing.

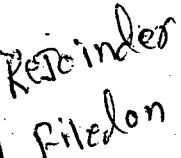
 S. Jha

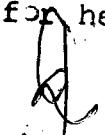
(S. Jha) M/A

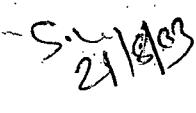
 B.N. Singh Neelam) V.C.

4/12.8.03

CM

 None appears for the applicant. Shri V.M.K. Sinha, learned senior Standing Counsel, is present. D.B. matter. Be listed on 11.9.03 for hearing.

 B.N. Singh Neelam) V.C.

 S. Jha  
show-cause  
filed on  
21/8/03

R. NO. 1  
S. 22/8/03  
REPLY filed on  
16/9/03

S. 10/9/03

5/11.9.03

CM

shri B.N.Yadav, the learned Standing Counsel for the state of Jharkhand, Shri S.Pandey, the learned counsel for the applicant and Shri V.M.K.Sinha, the learned senior Standing Counsel for the Union of India are present. In this connection, on behalf of the Union of India Shri V.M.K.Sinha has submitted that already show cause is filed and the orders so passed by disposing of the O.A. as far as Union of India is concerned has already been implemented, therefore, those alleged contemners of Union of India be rather exonerated. No show cause is filed on behalf of the State of Jharkhand. Shri B.N. Yadav submits that as per the instructions, Govt. will require one month's time as to implement the order passed in the O.A. for which he would be filing M.A. for making a prayer for extension of time for implementation of the order by the next date positively. Be listed on 17.10.03 for hearing. Shri B.N.Yadav, learned Standing Counsel, prays for a plain copy of the order. The same may be supplied to him.

B.N.Yadav  
(S.Jha)  
M.A.

B.N.Singh Neelam  
V.C.

B.N.Yadav  
12/9/03

6/17.10.03 Both sides are present. On their request, let it be listed for hearing on 17.11.03.

W/F filed on  
17/10/03  
P.NO. 12  
S. 5/11/03  
M. 2

(M.Jha) M/T

S. Dogra  
( S. Dogra) M/T

Reply filed

13/11/03

R.No.1

Sug/13/11/03

17.11.03

The learned counsel for the applicant, the learned counsel representing the Union of India and the learned counsel representing the state of Bihar/Jharkhand are present. Mr. B.N.Yadav, representing the state of Bihar/Jharkhand has submitted that first the matter is to be heard on the point of jurisdiction because, according to him, the matter is to be heard at Circuit Bench, Ranchi. Let this item be listed on 2.12.2003 when the matter will be taken up on the point of jurisdiction.

(M.Jha) M.A.

(B.N.Singh Neelam) VC

cm

8/2.12.2003 Concerned lawyers are present.

On behalf of the State of Jharkhand, the 1d. Standing Counsel Shri B.N.Yadav has submitted that he has already filed one petition ~~asxtm~~ at Jharkhand Circuit Bench challenging the jurisdiction point on the grounds mentioned therein, a copy of which, as submitted, has been served on the applicant's counsel.

2. On behalf of the applicant, Shri R.K. Mishra is present. No reply has been filed from the applicant's side. Let the item be listed when any reply to the petition so filed by the other side for hearing the matter at Jharkhand Circuit Bench be filed on behalf of the applicant if he so desires. Be listed on 15.1.2004 for hearing.

srk/

(Mantreshwar Jha)/M(A)

(B.N.Singh Neelam)/VC

Reply filed  
14/11/04

Sug/13/11/04

CCPA-101/03

9/15.1.2004 Shri S. Pandey, 1<sup>st</sup> counsel for the applicant,  
Shri V. M. K. Sinha, 1<sup>st</sup> counsel for the respondents  
Union of India.  
None for the respondents State of Jharkhand.

It is intimated by the 1<sup>st</sup> counsel  
for the applicant that since the Respondent No. 3,  
the Chief Secretary, Govt. of Jharkhand has been  
transferred, therefore he wants to implead the  
new Chief Secretary, Govt. of Jharkhand. His prayer  
is allowed and one week's time is granted to take  
necessary steps in this regard. List it for  
hearing on 30.1.2004.

MPS.

( M. Jha )/M(A)

*S. Dogra*  
( S. Dogra )/M(J)

10/30.1.2004 The learned counsel for the applicant Shri  
S. Pandey states that he has moved an application for  
impleading the present Chief Secretary, Govt. of Jharkhand  
as a party. However, the said application is not on  
record. Shri B. N. Yadav, SC for the State of Bihar is  
also present. List this case on 10.2.2004 alongwith the  
concerned MA ~~xxxxxx~~ for hearing.

*OK*  
9/15/04.  
srk/

*S. Dogra*  
( S. Dogra )/M(J)

11/10.2.2004 Shri S.Pandey, counsel for applicant  
Shri V.M.K.Sinha, Sr.S.C. for respondents  
The learned counsel for applicant submits that he has filed MA for adding newly appointed Chief Secretary of State of Jharkhand. However, the same is not on record. List this case on 12.2.04 for hearing. Name of Shri B.N.Yadav, Counsel of the State of Jharkhand be shown in the cause list in future.

skd ( M. Jha )/M(A)

( S.Dogra )/M(J)

12/12.2.2004 In spite of orders passed by this bench on 10.2.2004, the M.A. has not been placed on record, wherein the petitioner has sought impleadment of newly appointed Chief Secretary, State of Jharkhand, therefore, list this case for hearing on 16.2.2004 alongwith the said M.A.

M.S. ( M. Jha )/M(A)

( S.Dogra )/M(J)

CCPA-101/03

13/16.2.2004

The 1d. counsel for the applicant is directed to carry out the necessary corrections in the CCPA while ~~adding~~ adding Smt. Lakshmi Singh, The Chief Secretary, Jharkhand, Ranchi as party in view of the orders passed in M.A.96/04 on 16.2.2004. List it for hearing on 5.4.2004.

MPS.

( M.Jha )/M(A)

( S.Dogra )/M(J)

Opposed and  
Corrigendum  
by the counsel  
of ~~Opp~~ ~~Opp~~ ~~Opp~~  
as per order  
of 16.2.04  
( 96 )  
in  
M.A.96/04

14./ 5.4.2004. Heard learned counsel for the applicant. In view of the order passed by this Court on 16.2.2004 whereby Smt. Lakshmi Singh, the Chief Secretary, Jharkhand has been made party, let notices be issued to the newly added respondents to show cause as to why contempt proceedings be not initiated against her, returnable within four weeks. Requisites may be filed within one week. List it on 24.5.2004 for hearing.

/CBS/

( M. JHA ) M(A)

( S. DOGRA ) M(J)

15/24.5.2004 Shri S.Pandey, counsel for applicant  
Shri D.Choudhary, proxy counsel for  
Shri V.M.K.Sinha, Sr. S.C.

For want of DB be listed on  
6.9.04 for hearing.

skS

( M. Jha )/M(A)

16/6.9.04

cm

None for the parties. List this case on 16.12.04 for  
hearing.

S. Dogra  
(S. Dogra)

(S. Dogra) M.J.

Sur. Affidavit  
filed on  
6/9/04

6/9/04

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

CCPA NO. 101/03

(in O.A. 470/96)

CORAM: The Hon'ble Mrs. Shyama Dogra, Member (J)  
The Hon'ble Mr. Santreshwar Jha, Member (A)

Mithilesh Kumar

Petitioner

BY Advocate: Shri R.K. Mishra

-versus-

Sri S.S. Dawra, Secretary, Department  
of Personnel & Training, New Delhi  
& others

Respondents

By advocate: Shri R.Kumar for UOI-respondent no.1

Shri B.N. Yadav for the State of Bihar

O R D E R

Smt. Shyama Dogra, Member (J):

It is stated by Shri R.K. Mishra, learned proxy counsel that the original counsel for the petitioner is not available, therefore, he seeks adjournment. However, his prayer is declined for the reason that the pleadings are complete in the CCPA and it is for the court to decide whether there is wilful disobedience of the orders of the court or not or whether the orders passed by this court have been complied with by the respondents.

2. After perusal of the orders passed by this court, it is found that directions were given to the respondents to assign the year of allotment to the applicant after quashing 1974 notification. In pursuance of this, as per show-cause filed by respondent no.1, Sri S.S. Dawra, it is found that the applicant has been allotted year of allotment from 1974 to 1966 vide Annexure-R-1 dated the 3rd July, 2003.

3. In the subsequent show cause, the respondents have also deleted the condition, as enumerated in the earlier notification vide Annexure-R/1 whereby the said year of allotment of the year was subject to the outcome of SEP proposed to be filed. The said letter dated 3rd Sept., 2003, has also been annexed as Annexure-R-1 with the subsequent show-cause.

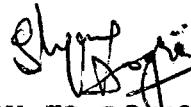
4. It is submitted by the learned counsel appearing for the State of Jharkhand that in view of this order passed by the concerned authorities, the amount has also been made payment of monetary benefit admissible under law

while passing orders vide letter dated the 15th April., 2004 and 23rd April, 2004, vide Annexure-1 series filed with the supplementary affidavit.

5. We have heard the parties and carefully gone through the record. In view of the facts that the orders passed in the O.A. as given in para 7 thereof, we are of the considered opinion that the same have been duly complied with by the respondents. Therefore, nothing survives in this CCPA and the notices issued to the respondents are hereby discharged and the CCPA stands disposed of, accordingly, with no order as to costs.

  
(Mantreshwar Jha)

Member (A)

  
(Shyama Dogra)  
Member (J)

16/12/04