

Central Administrative Tribunal

Patna Bench

CCPA No. 46 of 2001

(Arising out of OA No. 601 of 1996).

(Patna, this Monday, the 27th Day of December, 2004).

C O R A M

Hon'ble Smt. Shyama Degra, Member (Judicial).

Hon'ble Shri Mantreshwar Jha, Member (Administrative).

Ram Narayan Pathak

Vs.

The Union of India & Ors.

Counsel for the petitioner : Shri J.K.Karn.

Counsel for the respondents. : Shri H.P.Singh,
Addl. Standing Counsel.

Shri D.P.Mishra, General Manager (Telecom), Darbhanga, is also present in the Court.

O R D E R
(ORAL)

Shyama Degra, M(J) :- It is submitted by the ld. counsel for the petitioner that though the respondents have complied with the order passed by this Court while giving due seniority and granting temporary status to the ~~xx~~ petitioner, namely, Ram Narayan Pathak, who was applicant no. 21 in OA No. 601. vide Annexure-P/1 his name appears in sl.no.21 in the said seniority list, but till date he has neither been assigned work nor has been paid salary which is causing monetary loss to the applicant as well as mental harassment. ~

2. In the show cause the respondents have taken the stand that the applicant's name in the said list has been added inadvertently and his services were not terminated by virtue of issuing the impugned notices at. 30.06.1998 which was directed to be quashed by this Court in the aforesaid OA and, therefore, the respondent-contemner has prayed for discharging the notices issued by this Court in the present contempt petition.

3. The respondents have also taken the plea that the present petitioner has not worked in the department since May, 1997. This plea has been taken by way of filing

supplementary show cause dt. 27.12.2004.

4. In reply to this, it is contended by the ld. counsel for the petitioner that the said stand being taken by the contemner is contrary to the written statements filed in the OA and, therefore, should be ignored by this Court.

5. We have heard the ld. counsel for the parties and carefully gone through the record. After going through the contents of the M.A. No. 145 of 1998, wherein the said notice dt. 30.06.1998 was challenged by the applicants of the said OA, it is found that no such notice ^{legally} being issued to the applicant has been placed on record, therefore, the averment made by the contemner with this regard is found to be correct that no such notice was issued to the present petitioner. Even the ld. counsel for the petitioner has failed to show ~~cause~~ any copy of the notice being issued to him on 30.06.1998.


6. Taking into consideration that no corrigendum whatsoever has been issued by the respondents as pleaded in the show cause that applicant's name was added in the said seniority list while granting temporary status vide Annexure-P/2 dt. 03.03.2000, the same is treated to be true as the respondents have not placed on record any copy of the corrigendum in support of their contention that his name was added in the said list inadvertently.

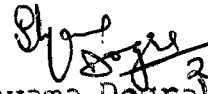
7. This has also been pleaded by the respondents in the earlier show cause that the petitioner has worked till May, 1997 and, therefore, the question of issuance of said notice dt. 30.6.1998 did not arise.

8. After overall analysis of the matter as above and due consideration of the facts of the case, we have come to the conclusion that since no notice dt. 30.06.1998 was issued to the applicant, therefore, respondents contemner cannot be held guilty for disobedience of the order of this Court. Moreover, Annexures-P/2 & P/3 have already been issued by the respondents in compliance of the order passed by this Court while granting

temporary status and giving due seniority to the present petitioner. Therefore, the plea being taken by the petitioner that he has not been assigned any work thereafter gives him fresh cause of action, if any, and he has all liberty to approach appropriate forum for redressal of his grievance in this regard.

9. In view of overall discussion of the matter, as above, we are not inclined to proceed further in the case. Hence, notices issued to the respondents contemnors are discharged and this contempt petition stands disposed of. No costs.


(Mantrishwar Jha)
Member (A)


(Shyama Deyra)
Member (J)