

Tribunal's Order:

Mr.R.R.Dalvi for the Contempt
Petitioner and Mr.R.K.Shetty for the respondents.

2. C.P.58/92 is filed by the contempt
petitioner to charge the respondents for contempt
of court as per rule 15 of the ^{C.A.T} Contempt of Courts)
Rules, 1986 and cause them to post the applicant to
Pune as already decided.

3. Counter is filed to the CP opposing
the same. Today we have heard Mr.R.R.Dalvi for the
contempt petitioner and Mr.R.K.Shetty for the
respondents to find out whether any contempt
had been committed by the respondents in ~~not~~ not
implementing the directions of this Tribunal in
O.A. No.482/91. We have gone through the judgment
in O.A. 482/91. The operative portion of the
judgment reads as follows:

"However as the facts of the case
indicate that there appears to be
some substance in the plea which
has been raised by the applicant
and there appears to be no reason
why the Department will not again
consider the plea of the applicant
for transferring to Nagpur or
transferring him to Pune as was
decided by the department earlier.
Accordingly, with the observation
that the applicant may approach
the department and the department
will consider the applicant's
prayer for transferring him out
of Nagpur and post him at Pune.
Let this consideration be made
within a period of two months.
With these observations the
application is disposed of
finally. No order as to costs."

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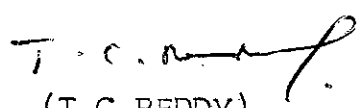
As could be seen we do not see any specific direction as ^{has} been given in the said judgment to transfer the applicant from Nagpur to Pune. The only direction is given, as is clear, to consider the applicant for transferring him from Nagpur to Pune. The respondents in their counter have maintained that ^{with} due regards to the direction of the Tribunal dt. 10.2.92 the representation dtd. 17.2.1992 received from the applicant was examined without any bias and prejudice and the applicant has been intimated accordingly as per letter dt. 27.2.92 and that they have not violated any direction of this Tribunal. ^{As seen the respondents} ~~They~~ had considered the

representation of the applicant for transfer to Pune and the applicant's request for transfer to Pune has not been granted by the respondents. We are unable to understand how his non transfer from Nagpur to Pune will constitute a willful disobedience of the direction of this Tribunal, as already pointed out ^{as} this Tribunal ~~does not~~ has not given any direction specifically to the respondents to transfer the contempt petitioner from Nagpur to Pune. ^{As} There is no contempt, ~~this~~ petition is liable to be dismissed.

4. The respondents ^{have} ~~are~~ maintained in their counter that the applicant has managed to submit non-existent note dt. 1.1.1991 before the Tribunal which has led this Tribunal to believe that there is some substance in the plea of the applicant and Applicant's counsel's claim that respondent No.1 ^{managed to} had removed the note dt. 1.1.1991 is totally baseless and without any justification and evidence

since note itself is non-existedt in the file. It is the contention of the learned counsel for the contempt petitioner that such a plea has not been taken in the O.A. and that the respondents are estopped from saying that the applicant has managed to submit a non existing note dt. 1.1.91 at this stage i.e. after the judgment. We are not deciding here about the said note dt. 1.1.91. We are concerned only whether the respondents have wilfully disobeyed any direction of this Tribunal in its judgment in O.A. 482/91 as already pointed out. We do not find any wilfull disobedience ^{on the part of} the respondents. C.P. is dismissed.

MD


(T.C.REDDY)
Member(J)