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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

CONTEMPT PETITION NO.111/96

IN

ORIGINAL APPLICATION NO.411/96

DATE OF ORDER : 4-11-96

Between :-

M.Sri Krishna

... Petitioner/Applicant

And

1. Sri R.S.Koushik,  
Central Provident Fund Commissioner,  
HUDCO Vishala, 14,  
Bhikaji Cama Place, R.K.Puram,  
New Delhi - 110 066.
2. Sri S.V.S.S.Ramachandra Raju,  
Regional Provident Fund Commissioner,  
Barkatpura, Hyderabad - 500 027.

... Respondents/Respondents  
3 to 5.

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Counsel for the Applicant : Shri Mirza Nisar Ahmed Baig

Counsel for the Respondents : Shri S. Lakshminarayana Sen & F.

CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

(Per Hon'ble Justice Shri M.G.Chaudhari, Vice-Chairman).

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Shri Mirza Nisar Ahmed Baig for the applicant. This

Contempt Petition is mis-conceived. By order in the O.A.

dt.27-3-96 after it was stated that it will be ~~proper~~ <sup>appropriate</sup> if the Respondent No.1 examines the ~~case~~ <sup>case</sup> ~~matter~~ <sup>from all</sup> its angles and so that the persons like the appli-

cants can know their prospects and it was left open to the  
Respondent No.1 to take an early decision and issue further  
necessary instructions to the Regional Provident Fund Commissioner  
as requested in his letter dt.4-12-95. The only direction made  
was that the examination/written test ~~scheduled~~ to be held by  
the respondents on 31-3-96 for the candidates sponsored by the  
Employment Exchange in pursuance of the impugned circular dt.14-7-95.  
although may be held later  
The results thereof shall not be announced and no further steps  
on that basis shall be taken till further instructions are issued  
by the Respondent No.1 i.e. the Central Provident Fund Commissioner.  
Contempt of this ~~application~~ <sup>order</sup> can arise only if there is a breach of  
these observations and directions as above.

2. The applicant alleges that by issuing the memorandum  
dt.18-10-96 the Regional Provident Fund Commissioner, A.P.,  
is calling candidates who appeared at the examination held on  
31-3-96 for a further type <sup>writing</sup> test to be held on 9-11-96  
and this is in breach of the order in the O.A.

3. Shri Lakshmi Kanta Rao, the learned counsel for the Respondents states that by holding the type-writing test only a further step is being taken in the matter of recruitment but final result  
of the test held on 31-3-96 <sup>alongwith</sup> and the type-writing test held on  
9-11-96 for the purpose of preparing the final select panel will  
not be taken by the respondents until the entire proceedings are  
submitted to the Central Provident Fund Commissioner and he  
issues directions in that behalf in the light of the judgement  
in the O.A.

4. We also find from the memorandum dt.18-10-96 that it is

*W.C.L.*

merely directing the candidates mentioned therein to appear at the type-writting test and it does not amount to his selection. It must be emphasised that our order did not quash the recruitment proceedings including the test held on 31-3-96 and we do merely desire the Central Provident Fund Commissioner, New Delhi, to apply his mind to the procedure followed and issue suitable directions whether the results of the test should be announced finally for the purpose of selection or otherwise. Then the matter has been left to the consideration of the Central Provident Fund Commissioner. Since it is stated from the instructions issued by the Central Provident Fund Commissioner dt. 7-10-96 and correspondence between Regional Provident Fund Commissioner and Central Provident Fund Commissioner shown from the Office File, Shri Lakshmi Kanta Rao makes it clear that final results will be announced only after the Central Provident Fund Commissioner applies his mind to the matter in the light of the Original order and issues instruction one way or the other, no question of contempt can arise.

5. We therefore see no breach of the original order committed at this stage by the respondents to entertain this C.P. By the M.A.975/96 the applicant seeks stay of the memorandum dt.18-10-96 calling one of the candidates for the type writing test. Apart from the question as to whether in a Contempt Petition a stay can be applied on which it is not necessary to express any opinion. In this proceeding we are/inclined to stay the proceedings for the reasons indicated above and since we come to the conclusion that no contempt is disclosed. Hence the following order:



Contempt Petition disposed of as premature  
and for not disclosing ~~any~~ ground for contempt  
at this stage. The applicant will be at  
liberty to ~~apply~~ seek similar proceeding in the  
event of any breach of the ~~original~~ order happens to  
be committed by the Respondents. hereafter

6. Contempt Petition disposed-of.

H.RAJENDRA PRASAD  
(H.RAJENDRA PRASAD)  
Member (A)

M.G.CHAUDHARI  
(M.G.CHAUDHARI)  
Vice-Chairman

Dated: 4th November, 1996.

Dictated in Open Court.

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Deputy Registrar 21/11/96

To

1. Sri R.S. Koushik,  
Central Provident Fund Commissioner,  
HUDCO Vishala, 14,  
Bhikaji Cama Place, R.K.Puram,  
New Delhi-66.
2. Sri S.V.S.S. Ramachandra Raju,  
Regional Provident Fund Commissioner,  
Barkatpura, Hyderabad-27.
3. One copy to Mr. Mirza Nisar Ahmed Baig, Advocate, CAT, Hyd.
4. One copy to Mr. S. Lekshmi Kantan Rao, Secretary
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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TYRED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 11-11-1996

ORDER / JUDGMENT

M.A.R.A./C.A. No. 111/96

O.A.No. 111/96

T.A.No. (w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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