

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,  
HUDDCO 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. *Lokesh/Kantha* *do* *senior* *F*

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CORAM:

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

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

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(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 <sup>appropriate</sup> ~~proper~~ if the ~~Respondent No.1~~ <sup>examine</sup> ~~the~~ <sup>comes suitable instructions</sup> in the ~~matter~~ <sup>matter</sup> ~~from all~~ its angles and so that the persons like the appli-

...2.

*hsc*

(24)

cants can know their prospects and it was left open to the Respondent No.1 to take an early decision <sup>on the question and</sup> ~~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 ~~(S)~~cheduled 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. <sup>although may be held the</sup> ~~The results there of~~ 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 <sup>order</sup> ~~application~~ can arise only if there is a breach of ~~these~~ observations and directions <sup>as above</sup>.

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> ~~writing~~ 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 <sup>along with</sup> ~~of~~ the test held on 31-3-96 and the type-writing test held on 9-11-96 for the purpose of preparing the final select panel will <sup>declared</sup> ~~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

...3.

merely directing the candidates mentioned therein to appear at the type-writing 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

desired the Central Provident Fund Commissioner, New Delhi, to apply his mind to the procedure followed and issue suitable

directions <sup>as to</sup> whether the results of the test should be announced finally for the purpose of selection or otherwise. <sup>thus</sup> Then the

matter has been left to the consideration of the Central Provident

Fund Commissioner. Since <sup>on the basis of</sup> it is stated from the instructions issued by the Central Provident Fund Commissioner dt.7-10-96 and correspon-

dence 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 announ-

ced 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.

<sup>in</sup> ~~In~~ this proceedings, we are <sup>not</sup> 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:


*hkt*

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

6. Contempt Petition disposed-of.

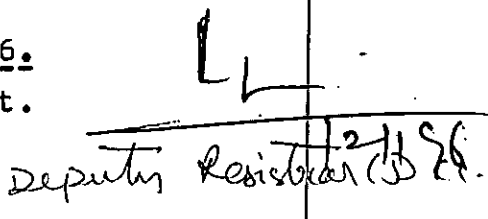
  
 (H. RAJENDRA PRASAD)  
 Member

  
 (M. G. CHAUDHARI)  
 Vice-Chairman

Dated: 4th November, 1996.

Dictated in Open Court.

avl/

  
 Deputy Registrar

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. Lakshmi Kantam No. 52 to P.F.*
5. One copy to Library, CAT.Hyd.
6. One spare copy,

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19/11/96  
I COURT

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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: 9-11-1996

~~ORDER~~ / JUDGMENT

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

in  
O.A. No. 411/96

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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