

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CONTEMPT APPLICATION NO.100/96

IN

ORIGINAL APPLICATION NO.662/96.

Between :-

Smt.D.Venkayamma

Petitioner/Applicant

And

1. Sri M.V.Bhaskara Rao,
The Chief General Manager,
Telecommunications, AP Circle,
Doorsanchar Bhavan, Hyderabad.
2. Sri K.Parasuram,
The Sr.Superintendent (Telegraph
Traffic), SF MS Systems, Sr. Telegraph
Office, Sec'bad.
3. Sri D.Sikhamani,
The Telegraph Master Incharge,
Telegraph Office, ECIL, Sec'bad.
4. Sri D.Sikhamani

Respondents/Respondents

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Counsel for the Applicant : Shri V.Venkateswara Rao

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CORAM:

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

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A) *8/12*

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(Orders per Hon'ble Justice M.G.Chaudhari, Vice-Chairman).

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Shri K.Phani Raj for Shri V.Venkateshwar Rao, counsel for the applicant. Shri N.R.Devaraj, for the respondents. The applicant challenges the order of her departmental local transfer dt.30-4-96. On 10-6-96, the learned single member passed an order of status quo to be maintained provided that the applicant had not been relieved. The learned standing counsel for the respondents states that the applicant was relieved prior to that date and that another person Shri V.V.U.S.Ramalinga Chary had joined in that post on 2-5-96. That has also been stated by the Respondent No.5 in his counter. This is disputed by the learned counsel for the applicant. That question is not however germane for deciding this contempt petition and will be examined at the hearing of the O.A. Moreover after noticing the order of status quo the MA 528/96 filed by the applicant seeking a direction to the respondents to permit her to join duty at Telegraph Office, ECIL, was dismissed.

2. The contempt application is an offshoot of the interim order obtained by the applicant on 24-7-96. It was noted in that order that the learned standing counsel for the respondents had stated that the applicant had already been relieved and her reliever had joined and therefore she has to take her pay in the transferred office. However, an interim direction was made reading as follows:-

"In the meantime the Respondent No.3 should provisionally pay her subject to the adjustment later if the Last Pay Certificate is not available with the Respondent No.3, he may pay provisional payment as per the latest pay drawn by

.....3.

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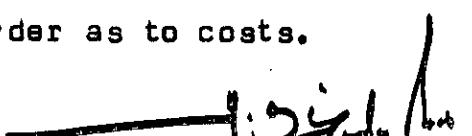
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the applicant with the stipulation that the payment will be adjusted when she joins in any one of the offices."

This direction with respect was different from the relief sought in the O.A. Moreover it was not indicated as to from where the applicant was to draw the pay. Although submission of the learned counsel for the respondents was noted that applicant has to take her pay from the office where she stood transferred it appears that she has not as yet joined that office. It is stated by the applicant that up to July, 1996, the respondents have paid her the salary at the office from where she was transferred but thereafter it was stopped. In the first place it appears to us that since the applicant stood relieved prior to the date of the order of status quo, she should have been well advised to join at the office to which she is transferred without prejudice to her rights and contentions in the O.A. Secondly the order in the M.A refers to the contention made by the applicant that she had leave to her credit and she had also applied for leave. It appears that the respondents have paid her against adjustment of the leave as was to her credit but have stopped further payment as the leave was not sanctioned and she has not joined at any place. The question of refusal to sanction leave does not arise in this petition. Whatever may be, all these questions can be dealt with at the hearing of the O.A. and in the circumstances we cannot draw any inference at this stage that the respondents have committed breach of the order in the M.A. dt. 24-7-96 so as to invite action in contempt.

3. It is submitted by the counsel for the applicant that the applicant's representation dt. 7-9-96 submitted to the DTO Residency has not been yet decided. Having filed the representation, the applicant should not have rushed to file a contempt petition. That apart, the representation contains a notice to the respondents that unless the respondents responded within one week, she may rush to the Tribunal for action in Contempt. Such threats cannot be considered as appropriate in a representation requesting for consideration of the grievance. We are not therefore impressed by the fact that because the representation was not replied, the respondents are guilty of dis-obeying the order in the MA.

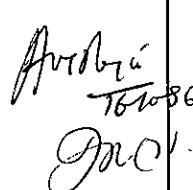
4. Shri NR Devaraj, learned standing counsel for the respondents states that even if the applicant joins at the Residency Telegraph Office without prejudice to her challenge to the order of transfer which is the subject matter of the O.A., the respondents will work out her pay having regard to the availability of leave to her credit if any and if any amount is found due and payable till the date of joining, they will consider the question of payment however subject to verification and only after the applicant joins the office. We think that the offer made is quite reasonable. It is for the applicant to avail of it or not. For the aforesaid reasons we find no merit in this contempt petition and the same is dismissed. No order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

Dated: 11th October, 1996.
Dictated in Open Court.

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A. R. Bhatia
T.O.B.
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C.P.100/96.

1. Sri M.V.Bhaskara Rao, Chief General Manager,
Telecommunications, A.P.Circle,
Doorsanchar Bhavan, Hyderabad.
2. Sri K.Parasuram, Sr.Supdt.(Telegraph Traffic)
SF MS Systems, Sr.Telegraph Office,
Secunderabad.
3. Sri D.Sikhamani, Telegraph Master Incharge,
Telegraph Office, ECIL, Secunderabad.
4. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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16/10/96

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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: 11 - 10 - 1996

ORDER / JUDGMENT

M.A.R.A.C.A. No. 100/96

in

O.A.No. 662/96

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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