

(38)

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

C.P. NO. 45/96 in

O.A. NO. 445/96.

DATE OF DECISION 12-8-96.

Dr.S.Vijay Kumar

(PETITIONER (§)

Mrs.S.Thripura Sindari,

ADVOCATE FOR THE PETITIONER (§)

VERSUS

Dr.P.Panduranga Rao, Additional

RESPONDENT (S)

Director, Central Govt. Health Scheme,  
Kendriya Swasthya Bhavan, Begumpet, Hyd.

Shri V.Rajeswara Rao,

ADVOCATE FOR THE RESPON-  
DENT (S).

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

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

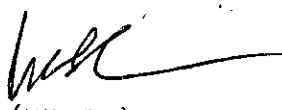
Whether Reporters of local papers may be allowed to see  
the Judgment ?

be referred to the Reporter or not ?

Whether their Lordships wish to see the fair copy of the  
Judgment ?

the Judgment is to be circulated to the other

Delivered by Hon'ble Shri H.Rajendra Prasad,  
Member (A)

  
(H.M.G.C.J.)  
VC

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

Contempt Petition No.45/96

IN

Original Application No.445/96.

Date of Order : 12-8-96.

Between :-

Dr.S.Vijay Kumar

.... Applicant/Applicant

And

1. Dr.P.Panduranga Rao,  
Additional Director,  
Central Government Health Scheme,  
Kendriya Swasthya Bhavan,  
Begumpet, Hyderabad.

(Respondent No.2 & 3 are not  
necessary parties in this  
Contempt Case.)

.... Respondent/Respondent

Counsel for the Petitioner

Mr. P.N. Venkatachari  
for Mrs. S.Thripura Sundari

Counsel for the Respondents : Shri V.Rajeswara Rao, Addl.CGSC

CORAM:

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

HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A) 2/12/8

... 2.

(Oral Orders per Hon'ble Shri H.Rajendra Prasad,  
Member (A) ).

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The applicant in this Contempt Petition is aggrieved by order No.22011/1/95-CGHS/PF/TRP/GZ dt.1-5-96 issued by the Additional Director, CGHS, Hyderabad, whereby he was advised to join duty at Central Government Health Scheme Dispensary, Malakpet, until his representation, submitted earlier to the Director General, Health Services, Government of India, in pursuance of the directions contained in order dated 9-4-96 passed by this Tribunal in OA 445/96, was disposed of ~~earlier as well as the instant OAs~~ by the concerned/authority. The Tribunal had passed the said order permitting the applicant to submit his representation to the Director General, Health Services for retention of the Headquarters Hospital at Begumpet, within a period of 15 days from the date of delivery of the judgement referred to. The same was required to be disposed of by the Director General within 30 days from the date of its receipt. Pursuant to this direction, the applicant duly submitted a representation on 17-4-96 which was finally disposed of by the Director General of Health Services on 16-5-96, by asking the Additional Director to consider posting of Dr.Vijay Kumar in Begumpet Dispensary/ Poly Clinic "to avoid legal complications." A compliance report was also asked to be sent by 20-5-96. Be that as it may, the applicant was also promoted to the next higher grade on 20-5-96 and given an appropriate posting.

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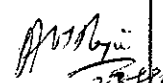
2. The short point arising for consideration in this petition is as to whether or not it was correct on the part of the Additional Director to have issued an order during the pendency of the representation, directing the petitioner to join the Dispensary at Malakpet. On the face of it, there is nothing impermissible in that, since the Tribunal had not in any way curtailed or restricted the powers of the Additional Director which ~~is~~ include the power to post the applicant in any of the available vacancies in the city. Moreover, since the applicant was stated to be on leave, the Additional Director General seems merely to have been advised the applicant to join duty on expiry of his leave at Malakpet. This would give the impression that instead of the applicant having to remain on leave for an indefinite period, he was given a choice to take up duties in one of the existing vacancies, until his representation to Director General was disposed of by the latter. The order dt. 1-5-96 also makes it amply clear that this was intended to be a purely temporary assignment until the Director General of Health Services disposed of his representation, as directed by this Tribunal. To that extent, <sup>it</sup> is to be held that no contempt was committed by the alleged contemnor in as much as no specific order of the Tribunal has been violated by him. Having said this, we are also constrained to add that, in all propriety and prudence, the Additional Director could have well waited ~~until~~ until after the representation was disposed of by the Director General, before ordering any posting by way of an interim arrangement.

3. On balance, it is seen that in as much as the officer has since got his merited promotion into a proper grade in his turn, and as the alleged contempt is no more than a trifling matter of the past, and as we have held that no real contempt has actually been committed by the alleged contemner, the petition itself is disposed of as dis-allowed.

  
(H. RAJENDRA PRASAD)  
Member (A)

  
(M.G. CHAUDHARI)  
Vice-Chairman

Dated: 12th August, 1996.  
Dictated in Open Court.

  
28/8/96  
Dm

avl/