

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Order : 23.12.1993.

CP 68/93 in
MP 368/93 in
OA 207/93

BALDEV KANOGLIA ... PETITIONER.

v/s.

ARUN KUMAR MALHOTRA & ANR. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Petitioner ... SHRI V.K. MATHUR.

For the Respondents ... SHRI MANISH BHANDARI.

PER HON'BLR MR. O.P. SHARMA, MEMBER (A).

Shri Baldev Kanogia has filed this Contempt Petition on the ground that the respondents have not complied with the order of this Bench passed on 8.7.93 in MP 368/93, which was filed in OA 207/93. The prayer in the MP was that the petitioner should be allowed to appear in the departmental examination at Ajmer Centre. The directions of this Bench, while disposing of the MP, were that no order directing the respondents to allow the

applicant to appear in the examination at Ajmer ^{could be} ~~was~~ issued.

It was further ordered by the Tribunal that the applicant will have to appear for the examination at the centre which has been nominated for him by the respondents. Now in the Contempt Petition the petitioner has stated that in spite of personal request and representation he was not allowed to appear in the examination at Ajmer centre or any other centre. He claims that he has a right to appear at the Ajmer centre.

2. The learned counsel for the respondents has drawn our attention to the contents of the MP, in which the order dated 8.7.93 was passed. In the said MP, according to him, the petitioner had clearly stated that he was expected to appear for the examination at Udaipur centre but he wanted to appear

at Ajmer centre. The petitioner should have, therefore, taken steps to appear for the examination at the Udaipur centre. vide Annexure A-2 to the Contempt Petition, the petitioner had again made a prayer to the departmental authorities that he may be permitted to appear for the examination at the Ajmer centre. According to the learned counsel for the respondents, the Tribunal has already stated that no direction can be issued for enabling the petitioner to appear at Ajmer centre. Therefore, no case for contempt has been made out by the petitioner. He wants the Contempt Petition to be dismissed with costs.

3. We have heard the learned counsel for the parties and have gone through the records. The petitioner was aware that he had to appear for the examination at Udaipur centre. He should have been taken all necessary steps to be available at the Udaipur centre ⁱⁿ the examination. No evidence has been produced to show that when he offered himself for appearing in the examination at Udaipur centre, he was prevented from doing so. In case, Pass by the Railway Authorities was not issued to enable him to proceed to Udaipur, he should have proceeded to Udaipur at his own expense and claimed reimbursement thereof subsequently.

4. We do not find any merit in this Contempt Petition. It is, accordingly, dismissed with no order as to costs. Notices issued stands discharged.

(O.P. SHARMA)
MEMBER (A)

CKR
(GOPAL KRISHNA)
MEMBER (J)