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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH: JAIPUR.

CP No.3/97

Date of order: 8.7.1997

Tehseen Mohammed Khan S/o Shri Atead Mohammad Khan, resident of C-Char-3, Housing Board, Shastri Nagar, Jaipur, at present Hindi Stenographer.

: Petitioner

Versus

Shri A.K.Sarin, Superintending Engineer, Central Public Works Department, Jaipur, Central Circle, Vidhyadhar Nagar, Jaipur (Raj.).

: Respondent

None present for the petitioner
Mr. V.S.Gurjar, counsel for respondent

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)
HON'BLE SHRI PATAN PRAFASH, MEMBER (JUDICIAL)

O R D E R

PER HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)

In this contempt petition Shri Tahseen Mohammad Khan has prayed that the respondents be dealt with under the provisions of the Contempt of Courts Act for deliberate violation of the Tribunal's order dated 5.12.1996 issued in OA No.608/96.

2. Vide an interim order dated 5.12.1996 issued in the aforesaid OA, the respondents were directed that although the applicant appears to have been relieved, but it may not be insisted that he should join at his new place of posting till the next date. The applicant's grievance in this contempt petition is that even though he presented himself for joining duty at Jaipur on 7.12.1996 but he was not allowed to join the duty. No reply has been filed to the contempt petition. The learned counsel for the respondent has, however, brought to our notice that OA has since been finally disposed of by order dated 7.4.1997 and it has been specifically made clear in that order that the directions given on 5.12.1996 stands merged in the final order. He has, therefore, prayed that now there could be no case of contempt for not implementing the interim directions given by the Tribunal on 5.12.1996. He has also brought to our notice that in response to a Misc. Application filed by


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the respondents, an order dated 27.2.1997 was passed by the Tribunal clarifying that there was no direction to the respondents to allow the petitioner to join his duties at Jaipur. He has, therefore, prayed that the contempt petition may be dismissed, as being without any merit now.

3. We have carefully considered the matter. The factual position is that the final order in the OA has been passed on 7.4.1997 and the interim direction issued on 5.12.1996 has merged therein. Also as per the clarificatory order dated 27.2.1997 passed by the Tribunal, there was no direction that the respondents should allow the applicant to join duties at Jaipur. Therefore, the contempt petition alleging that the applicant has not been allowed to join duties at Jaipur in pursuance of the interim direction issued on 5.12.1996 is without any merit. The contempt petition is dismissed. The notices issued are discharged.


(RATAN PRAKASH)

MEMBER (J)


(O.P. SHARMA)

MEMBER (A)