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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 9th day of March, 2010

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)
HON'BLE MR. B.L.KHATRI, MEMBER (ADMV.)

CP No.48/2005
(OA No.173/2005)

Rajesh Kumar Gangwal,
s/o Shri B.C.Gangwal,
r/o House No. 1127, Mahavir Park, Jaipur
working as Hindi Typist,
Office of Assistant Salt Commissioner,
Jodhpur.

.. Applicant

(By Advocate: Shri S.K.Jain)

Versus

1. Shri S.Sundershan, Salt Commissioner, 2-A Jhalana Doongri, Jaipur.

.. Respondent

(By Advocate: Shri S.S.Hasan)

CP No.22/2007
(OA No.173/2005)

Rajesh Kumar Gangwal,
s/o Shri B.C.Gangwal,
r/o House No. 1127, Mahavir Park,
Maniharon Ka Rasta, Jaipur
working as Hindi Typist,
Office of Assistant Salt Commissioner,
Jodhpur.

.. Applicant

(By Advocate: Shri S.K.Jain)

Versus

1. Shri S.Sundershan, Salt Commissioner, 2-A Jhalana Doongri, Jaipur.

2. Shri B.S.Onkar, Assistant Commissioner Jaipur.

3. Shri S.Mahapatra, Superintendent of Salt, Office of Salt Commissioner, 2-A Jhalana Doongari, Jaipur.

.. Respondents

(By Advocate: Shri S.S.Hasan)

CP No.9/2009
(OA No.173/2005)

Rajesh Kumar Gangwal,
s/o Shri B.C.Gangwal,
r/o House No. 1127, Mahavir Park, Jaipur
working as Hindi Typist,
Office of Deputy Salt Commissioner,
Ahmedabad.

.. Applicant

(By Advocate: Shri S.K.Jain)

Versus

2. Shri S.Sundershan, Salt Commissioner, 2-A Jhalana Doongri, Jaipur.

.. Respondent

(By Advocate: Shri S.S.Hasan)

ORDER

Per Hon'ble Mr.M.L.Chauhan, M(J).

By way of this common order, we propose to dispose of these Contempt Petitions. Contempt Petition No. 48/05 was filed by the applicant for the alleged violation of the order dated 2.5.2005 passed in OA no.173/2005 whereby while issuing notices, this Tribunal has observed that in Ann.IV appended with the chargesheet dated 16.4.204, no person is cited as witness and the article of charges are proposed to be proved on the basis of documents mentioned in Ann.III appended with the charge memo. Thus, prima facie, exhibition of listed documents, ipso facto, does not prove the charges. Under these circumstances, this Tribunal granted the interim stay thereby restraining the respondent to proceed in the matter pursuant to memorandum dated 16.4.2004 till the next date.

2. Contempt Petition No. 22/2007 has been moved by the applicant for the alleged violation of the subsequent order dated 15.3.2003, as this Tribunal has earlier clarified that the stay granted on 2.5.2005 is not operative and the same has not been continued.

When second stay application was moved, this Tribunal granted the stay of the proceedings vide order dated 15.3.2007. According to the applicant, despite the stay order, the respondent are proceeding with the matter.

3. Contempt Petition No. 9/2009 has been moved by the applicant on the ground that during the pendency of the case, the applicant has been transferred and further the respondents have appointed the Enquiry Officer as earlier Enquiry Officer has retired on 31.3.2009.

4. It may be stated that notice has been issued in two Contempt Petitions and no notice has been issued in CP No.9/2009. The stand taken by the respondents is that since stay granted by this Tribunal on 2.5.2005 was not operative, as clarified by this Tribunal, as such, the respondents have rightly proceed with the enquiry. As regards, the stay granted by this Tribunal vide order dated 15.3.2007 on the second stay application of the applicant, the respondents have stated that initially this fact was not brought to the notice of the authorities and subsequently when granting of stay came to the notice of the respondents, the proceedings were kept in abeyance. Thus, according to the respondents, there is no willful disobedience of the orders passed by this Tribunal. The respondent have also tendered unqualified apology.

5. In view of what has been stated above, we are of the view that it cannot be said to be a case of willful disobedience. We are satisfied with the explanation so given by the respondents. Accordingly, these Contempt Petitions are dismissed. Notices issued

to the respondents in CP No.48/2005 and 22/2007 are hereby discharged.

(B.L.KHATRI)
Admv. Member

(M.L.CHAUHAN)
Judl. Member

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