

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

JAIPUR BENCH, JAIPUR

Date of order: 12-7-1996

CP No.85/95 (OA No. 122/95)

Dev Raj

.. Petitioner

Versus

M.Sarajuddin and Ors.

.. Respondents

Mr. Shiv Kumar, counsel for the petitioner

Mr. Kaushal Chaturvedi, Court Clerk, Departmental Representative for the respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. O.P.Sharma, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Petitioner, Dev Raj has filed this Contempt Petition under Section 17 of the Administrative Tribunals Act, 1985, stating therein that by not implementing the decision of the Tribunal in OA No. 122/95 dated 16-3-1995, the respondents have committed contempt of court.

2. We have heard the learned counsel for the petitioner and Shri Kaushal Chaturvedi, Court Clerk, Departmental Representative for the respondents. We have carefully perused the records.

3. The direction of the Tribunal in the aforesaid OA was to entertain the petitioner's representation in regard to his grievance against transfer, keeping in view the decision of a Single Member Bench of the Tribunal in OA No. 687/93 <sup>decided on</sup> 7-4-94. A perusal of the communication at Ann.R3 dated 11-4-1996 indicates that pursuant to the decision of the

C/Krishna

....2/-

Tribunal, the petitioner's case for transfer was considered and since there was no vacancy in Kota Division and the petitioner was the junior most, he could not be kept in the Kota Division but keeping in view the judgment in the case of Shri Anwar Ahmed (OA No. 687/93) referred to above, the petitioner was given option for transfer to Ahmedabad or to accept retrenchment with due benefits.

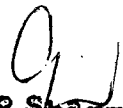
4. The petitioner had produced an additional affidavit with Annexures-A3 and A4 and these have been taken on record.

5. The respondents had sent the petitioner a communication dated 6th May, 95 containing a copy of the relieving order of the petitioner addressed to the Chief Project Manager (Construction), Ahmedabad with copy addressed to the petitioner. According to the departmental representative, the petitioner had refused to accept this communication. The Postal Authorities served it on the petitioner on six different occasions in May, 1995. We have opened the communication and find that there is an order regarding relieving of the petitioner. It is unfortunate that even though the Postal Authorities went to the petitioner's residence, they had to report that the petitioner was not available at his residence. The learned counsel for the petitioner states that this communication may be delivered to him now and he will handed-over to the petitioner for appropriate action. Accordingly, the original communication is handed-over to the learned counsel for the petitioner

CHM:NR

in the court for further necessary action by the petitioner to enable him to join duty at Ahmedabad.

6. In view of the facts stated above, no case of contempt is made out. The contempt petition is dismissed. Notices issued are discharged.

  
(O.P. Sharma)  
Administrative Member

  
(Gopal Krishna)  
Vice Chairman