

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 8.2.2001

CP 41/2000 (OA 69/2000)

Mahesh Chand Vijay s/o Shri Satya Narain Vijay r/o Opp.
Police Station, Sikandara Road, Bandikui, Distt.Dausa.

... Petitioner

Versus

1. Shri N.K.Bhattacharya, Post Master General,
Department of Post, Jaipur.
2. Shri P.K.Kaurani, Supdt. of Post Offices, Jaipur (M)
Dn., Jaipur.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Petitioner ... None

For the Respondents ... Mr.S.S.Hasan

O R D E R

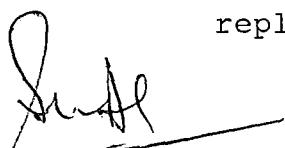
PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

This Contempt Petition has arisen out of an order passed by this Tribunal on 8.8.2000 in OA 69/2000, in which following directions were given :-

"In view of the submissions made by the learned counsel for the applicant, we stay the operation of the order of termination dated 22.1.2000 (Ann.A/1) and allow the applicant to work on the post of EDBPM Shyalawas Kalan (Jaipur) till the next date."

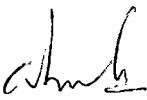
2. It is stated by the petitioner that the opposite parties have wilfully and deliberately disobeyed the orders passed by this Tribunal and instead of compliance, application for vacation of stay was filed. It is stated that the opposite parties have intentionally flouted the directions given by this Tribunal. Thus, they are liable to be punished under the provisions contained under Contempt of Courts Act.

3. A show-cause was given to the opposite parties and a reply was filed.

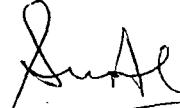


4. Learned counsel for the opposite parties, Mr.S.S.Hasan, submits that an additional reply has also been filed in this Contempt petition by the opposite parties, in which it has been categorically mentioned that the order dated 8.8.2000 has been complied with. Although in the earlier reply it was mentioned that the order could not be complied with and on the advise of the counsel an application for vacation of stay was filed, which has not yet been decided. But since the order has been complied with, although late, the whole exercise of the respondent department does not indicate that there was any wilful or deliberate intention of the opposite parties not to comply with the order of the Tribunal. Therefore, in the facts and circumstances, as mentioned in the reply/additional reply, we reach to the conclusion that no case of contempt is made out against the opposite parties and this Contempt Petition deserves to be dismissed.

5. We, therefore, dismiss this Contempt Petition and notices issued against the opposite parties are hereby discharged.


(N.P.NAWANI)

MEMBER (A)


(S.K.AGARWAL)

MEMBER (J)