

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 25.01.2001

CP No.45/2000 (OA No.417/1995)

Kailash Chand Dixit s/o Shri Kalyan Sahai Dixit, at present employed on the post of FDMC at Roni Jathan Post Office, District Alwar.

... Petitioner

Versus

1. Mr. D.D.Srivastava, Superintendent of Post Offices, Alwar District Alwar.
2. Mr. Laxman Singh, Inspector of Post Offices, Alwar District Alwar.
3. Mr. Ghammon Lal, Post Master, Sub-Post Office, Rajasthan, District Alwar.

.. Respondents

Mr. P.P.Mathur, counsel for the petitioner

Mr. S.S.Hasan, counsel for the respondents

CORAM:

Hon'ble Mr. A.K.Mishra, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

Order

Per Hon'ble Mr. A.K.Mishra, Judicial Member

The learned counsel for the respondents submits that the order of the Tribunal dated 24th September, 1999 has been complied with by the respondents by passing a final order on 27th December, 1999 and, therefore, the Contempt Petition does not survive. The learned counsel for the petitioner submits that the petitioner was forced to file this Contempt Petition in September, 2000. Had the respondents communicated the order which was passed in December, 1999, the petitioner would not have filed this Contempt Petition and, therefore, the applicant is entitled to the cost.

25/1/2001

2. We have considered the rival submissions. Vide our order dated 24th September, 1999, the petitioner was directed to submit a copy of the representation alongwith <sup>the</sup> copy of the order to respondent No.3 and the respondents were directed to consider the representation of the applicant dated 30th March, 1995 within a period of two months. From the order Ann.Rl dated 2/27 December, 1999, it appears that the petitioner had not submitted copy of the representation to the Department as was directed. However, the Department acting upon the copy, annexed to copy of the OA which was sent to the Department, passed the order. There are other facts in the order also which go to show that after having waited for applicant to file copy of the representation, the Department had decided the representation which was available with them. A sum of Rs. 500/- was found payable to the petitioner as per the prevailing circulars, which was tendered to the petitioner. The petitioner refused to accept the sum so tendered. All these facts find place in Ann.Rl. Not only this, Ann.Rl was sent by Registered Post as the endorsement in the letter shows. In view of this, we are not impressed by the submissions of the learned counsel for the petitioner for awarding the cost in the matter on the ground of non-communication of the order Ann.Rl.

3. In our opinion, the order of the Tribunal <sup>has been</sup> fully complied with and no action is required to be taken in this Contempt Petition. The Contempt Petition is, therefore, disposed of as having become infructuous. Notices issued are discharged.

(N.P.NAWANI)

Adm. Member

(A.K.MISHRA)

Judl. Member