

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p><u>29.07.2009</u></p> <p><u>CP 26/2009 (OA No. 244/2009)</u></p> <p>Mr. C.B. Sharma, Counsel for applicant.</p> <p>Heard learned counsel for the applicant.</p> <p>For the reasons dictated separately, the CP is disposed of.</p> <p> (B.L. KHATRI) MEMBER (A)</p> <p> (M.L. CHAUHAN) MEMBER (J)</p> <p>AHQ</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 29th day of July, 2009

CONTEMPT PETITION NO. 26/2009
IN
ORIGINAL APPLICATION NO. 244/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Omendra Prasad Kala son of Shri Mangal Prasad Kala, aged about 37 years, resident of Quarter No. 118, Nirman Vihar-I, CPWD Colony, Sector-2, Vidyadhar Nagar, Jaipur. Presently working as Senior Auditor, Office of Principal Controller of Defence Accounts (South Western Command) Khatipura Road, Jaipur- 12.

.....APPLICANT

(By Advocate: Mr. C.B.Sharma)

VERSUS

Radha A. Nanjanath, Principal Controller of Defence Accounts (South Western Command) Khatipura Road, Jaipur.

.....RESPONDENT

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this Contempt Petition against the alleged violation of the order dated 16.07.2009 passed in OA No. 244/2009. At this stage, it will be useful to quote Para No. 5 of the order dated 16.07.2009, which thus reads as under:-

5. In view of what has been stated above, the present OA is disposed of with the direction to the respondents to pass appropriate order on the written request of the applicant to forgo his sensitive assignment within seven days from the date of receipt of such request."
- Pursuant to the aforesaid order, the respondents have passed the order dated 21.07.2009 (Annexure CP/3), which is in the following terms:-

"The Competent Authority has decided to transfer Shri O.P. Kala, SA/8335625 to LAO(A) Kota on state expense with immediate effect. Joining report of the individual may please be sent to this office.

TA/DA & joining time will be admissible as per rules."

3. The grievance of the applicant is that the respondents have not passed specific order on the application of the applicant regarding forgo of his sensitive assignment, as such order dated 21.07.2009 (Annexure CP/3) is bad in the eyes of law:

4. We have given due consideration to the submission made by the learned counsel for the applicant. We are of the view that if the tenor of the order dated 21.07.2009 is seen, the order of this Tribunal has been complied with. The grievance of the applicant in the earlier OA was regarding his transfer from Jaipur to Abohar, which was a sensitive assignment. In the reply, the respondents have categorically stated that in case he forgo his request for sensitive assignment, the order of the applicant regarding his transfer to Abohar can be considered and appropriate substitute can be deputed in his place. As can be seen from the order dated 21.07.2009, the appropriate authority has cancelled the transfer of the applicant to Abohar, which was a sensitive assignment. Thus according to us, the order of this Tribunal has been complied with and it is not a case where notice is required to be issued. Accordingly, the CP is dismissed.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ