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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

12.7.2011

CP 39/2010 (OA 137/2008)

Mr.C.B.Sharma, counsel for applicant.

Mr.Mukesh Agarwal, counsel for respondents.

Mr.Ram Karan Kumhar, ASP (HQ) Bikaner, the then SPO's, Bharatpur, i.e. respondent/contemner is also present in person in view of the order dated 27.5.2011 passed by this Tribunal.

Heard learned counsel for the parties. The Contempt Petition stands disposed of by a separate order.

Anil Kumar

(Anil Kumar)
Member (A)

14.8 Rathore
(Justice K.S.Rathore)
Member (J)

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dr. B. S. W.
(21/4/11, 1/5/11)
ASP (HQ) Bharatpur
Then SPO's Bharatpur
Dr. B. S. W.
Adv
(MUKESH AGARWAL)
Adv

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 12th day of July, 2011

CONTEMPT PETITION No.39/2010

IN

ORIGINAL APPLICATION No.137/2008

CORAM :

HON'BLE MR. JUSTICE K.S.RATHORE, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Veer Singh,
Postal Assistant (BCR),
Bharatpur Head Post Office,
Bharatpur.

... Petitioner/Applicant

(By Advocate : Shri C.B.Sharma)

Versus

Shri Ram Karan Kumhar,
Superintendent of Post Offices,
Bharatpur Postal Division,
Bharatpur.

... Respondents

(By Advocate : Shri Mukesh Agarwal)

ORDER (ORAL)

Heard learned counsel for the parties. Shri Ram Karan Kumhar, ASP (HQ) Bikaner, the then SPO's, Bharatpur, i.e. respondent/contemner is also present in person in view of the order dated 27.5.2011 passed by this Tribunal.

2. The applicant/petitioner has filed this Contempt Petition for alleged violation of the order dated 6.4.2010, passed by



this Tribunal in OA No.137/2008, operative portion of which reads as under :

"It is also evident from the appellate order that the applicant failed to compare and check the entries of withdrawals with reference to warrant of payment, list of transactions and the ledger cadres. He also could not get the account tallied during the tenure he was holding the post of APM. However, I find that it is admitted fact that the withdrawal under forged signatures had taken place due to forged signatures having been done by Shri Sudhiram Meena and the post of Ledger Assistant was vacant and the applicant was holding temporary charge only for a few days. There was loss of Rs.54000/- to the government account, for which the applicant alone cannot be held to be fully responsible. Therefore, having regard to the ratio laid down in the case of A.Vedi v. Union of India & Ors., the order of the disciplinary authority as well as appellate authority are hereby quashed with direction to the disciplinary authority to impose minor penalty of recovery commensurate to the extent of lapse which can be attributed to the applicant as he alone is not responsible for the loss caused to the Government."

3. By the aforesaid order, after quashing the orders passed by the disciplinary authority as well as appellate authority, the disciplinary authority was directed to impose minor penalty of recovery commensurate to the extent of lapse which can be attributed to the applicant as he alone was not responsible for the loss caused to the government.

4. Having considered the direction of this Tribunal vide order dated 6.4.2010, the respondent/contemner vide letter dated 30.6.2010 (Ann.CP/2) passed a fresh order maintaining the responsibility of the total loss caused i.e. Rs.54000/-, out of which Rs.40000/- is to be recovered from the salary of the applicant in thirteen installment of Rs.3000/- each with the last installment of Rs.1000/-.

5. Having considered the submissions made by the respective parties and upon careful perusal of the direction issued by this Tribunal as also the order passed by the



respondent/contemner dated 30.6.2010 (Ann.CP/2), we are not satisfied with the submission made on behalf of the applicant that since the respondent/contemner has maintained the earlier order of recovery, which has already been quashed vide order dated 6.4.2010 passed in OA 137/2008, compliance of the direction issued by this Tribunal has not been made and as such the respondent/contemner deserves to be punished for the deliberate disobedience of the order passed by this Tribunal.

6. As discussed hereinabove, we find no illegality in the order dated 30.6.2010 (Ann.CP/2) as it is not a case of deliberate disobedience of the order of this Tribunal dated 6.4.2010. Consequently, the Contempt Petition stands dismissed being devoid of merit. Notice issued to the respondent/contemner is hereby discharged. However, the petitioner/applicant will be at liberty to file a fresh OA with an application seeking condonation of delay, if so advised.



(ANIL KUMAR)
MEMBER (A)

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(JUSTICE K.S.RATHORE)
MEMBER (J)