

(RESERVED ON 05.12.2018)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the 13th day of **FEBRUARY, 2019**.

**CONTEMPT PETITION NO. 330/112/2017
IN
ORIGINAL APPLICATION NO. 330/866/2009**

**HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J).
HON'BLE MR MOHD. JAMSHED, MEMBER (A).**

1. Smt Jai Murti Devi W/o Darshingahar, Tashgang Colony, Section 2, Quarter No.-2 DT-6, Obra, Sonbhadra.
.....Applicant.

VERSUS

1. Shri Anupam Srivastava, Chief Managing Director (C.M.D.), B.S.N.L. an Government of India, Enterprise, A-601, Statement House, Bara Khamba Road, New Delhi.
2. Shri T.N. Shukla, Chief General Managing Telecom (E) CGMT, B.S.N.L. Office of the CGMT (E) B.S.N.L. U.P. Telecom Circle, Lucknow.
3. Shri J.L. Gautam, General Manager Telecom District (GMTD) B.S.N.L. District Mirzapur.
.....Respondents

Advocate for the Applicant : Shri M K Dhrubvanshi

Advocate for the Respondents : Shri K K Mishra

O R D E R

(Delivered by Hon'ble Mr. Mohd. Jamshed, Member-A)

The present Contempt Petition has been filed against the non-compliance of the order dated 21.05.2015 passed in OA No. 866 of 2009 by which this Tribunal had quashed and set aside the impugned order dated 06.07.2009. The relevant portion of the order dated 21.05.2015 is reproduced below:-

"4. In view of the above, the present Original Application is allowed in the light of the order dated 14.05.2015 passed by this Tribunal in O.A. No. 817/2009. Accordingly the impugned orders dated 06.07.2009 (Annexure A-1) and 29.07.2009 (Annexure A-2) are set aside. The applicant is directed to submit a certified copy of the order dated 14.05.2015 along with copy of this order to the respondents for compliance within a period of three months from the date of receipt of certified copy of this order. No costs."

2. After OA No. 866 of 2009 was allowed, the respondents filed Review Application No. 330/38/2015 in OA No. 866 of 2009 which was also rejected by this Tribunal vide order dated 08.02.2017. It is mentioned in the contempt petition that after dismissal of the Review Application, the applicant sent a copy of the order along with application to the concerned authority on 30.05.2017 for compliance of the order dated 21.05.2015, but till date they have not engaged and allowed the applicant to work. Thus, the respondents have disobeyed the orders of this Tribunal.

3. This Tribunal vide order dated 12.04.2018, had ordered Bailable Warrants against General Manager, Telecom District (GMTD). The relevant portion of the order dated 12.04.2018 is reproduced below:-

*"Issue Bailable Warrant for Rs. 10,000/- against General Manager, Telecom District (GMTD), B.S.N.L., Mirzapur, through S.P., Mirzapur for appearance of General Manager Telecom District (GMTD), B.S.N.L. Mirzapur on the next date at 10.30 am.
List on 23.05.2018."*

4. In this contempt petition, this Tribunal on 23.05.2018 had passed another order, relevant portion of which is reproduced below:-

*"We have given our thoughtful consideration to the averment made in the application as well as the submissions made by the learned counsel for the applicant and also gone through the earlier orders. We are of the view that though there is negligence on the part of the respondents in not complying the orders of this Court but since a statement has been made by the General Manager, Telecom District (GMTD), B.S.N.L., Mirzapur before this Court that the respondents will implement the order within four weeks, therefore, no fruitful purpose will be served to secure the presence of General Manager, Telecom District (GMTD), B.S.N.L. Mirzapur, since he is present in Court and making the above statement. Therefore, the order dated 12.04.2018 is recalled and the MA is disposed of.
In view of the above order passed in recall application, the respondents are granted further six weeks time from today to implement the order of this Court. If the order is not complied with, the respondent no. 2 shall be present before this Court on the next date to explain the reasons for non-compliance."*

5. By the aforesaid order dated 23.05.2018, the order dated 12.04.2018 was recalled and the respondents were granted further six

weeks time to comply the order of this Court and in case the order is not complied with, the respondent no. 2 was directed to be present before the Court and explain the reasons for non compliance.

6. Learned counsel for the respondents has filed compliance affidavit dated 07.09.2018 in which it has been stated that in compliance of the order dated 23.05.2018, the applicant has been reinstated vide order dated 13.07.2018 as per the observation made by this Tribunal in Contempt Petition No. 74 of 2016 in OA No. 1094 of 2009 – Smt Chameli Devi and ors Vs. A.K. Srivastava and ors. Copy of the order dated 13.07.2018 has been enclosed along with the compliance affidavit for perusal of this Tribunal. It has been further mentioned by the respondents that they have highest regard for judiciary and its order. The respondents have never violated the order passed by this Tribunal willfully or deliberately or disobeyed any order of this Tribunal and they have sought apology from this Tribunal for any delay.

7. The Order dated 13.07.2018 enclosed along with compliance affidavit is regarding reinstatement of the applicant issued by the AGM (Admin), Office of the GMTD, Mirzapur. The respondents have also furnished copy of the order dated 28.09.2018 issued by the AGM (Admin), Office of the GMTD, Mirzapur asking the applicant to submit certain documents for payments of wages.

8. Learned counsel for the applicant submitted that although the reinstatement letter has been issued in favour of the applicant, various payments etc are yet to be made.

9. Learned counsel for the respondents has argued that full compliance of the order of this Tribunal has been made. He has also cited the judgement passed by the Hon'ble Supreme Court in the case of **Viswajeet Khanna and Ors Vs Sukhwinder Singh and Ors (2017) 9 SCC 608**. The relevant portion of the judgement is quoted below:-

"3. The Chief Secretary has, accordingly, submitted a detailed Report dated 13-09-2017 along with plans, sketch, etc. Having gone through the Report, Shri V.K. Bali, learned Senior Counsel appearing for the respondent(s), submits that now that a report has been submitted by the Chief Secretary which, according to the learned Senior Counsel, is wholly faulty, the same will have to be gone into either by this Court or by the High Court.

.....
5. The Report having been submitted by the Chief Secretary and since the same is sought to be challenged on merits, we do not find any need for continuing the contempt proceedings initiated against the appellants. Therefore, we set aside the proceedings initiated against the appellants under the contempt jurisdiction exercised by the High Court."

10. It is evident from the above mentioned that in compliance of the order passed by this Tribunal, the respondents have reinstated the applicant and the process for payment etc has also been initiated by the respondents.

11. After perusing the records and hearing arguments of counsel for the parties, we find that the order of this Tribunal has been complied with by the respondents.

12. Accordingly, the contempt petition is dismissed and notices issued stand discharged.

(MOHD JAMSHED)
MEMBER-A

(RAKESH SAGAR JAIN)
MEMBER-J

Arun..