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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP No.138/2003 in  
OA 479/2003

New Delhi this the 24th day of April, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Shri Govindan S.Tampi, Member (A)

Shri G.C.Joshi,  
S/O Shri Sri Devi Dutt,  
R/O 10/16, Probnn Road,  
Delhi-54

..Petitioner

(By Advocate Ms.Prema Priyadarshini  
learned counsel through proxy counsel  
Shri Madhav Panicker)

VERSUS

1. Ms. Shailja Chandra,  
Chief Secretary,  
Govt.of NCT of Delhi,  
Delhi Sachivalaya, I.P.Estate,  
New Delhi.
2. Shri B.P.Joshi,  
Joint Secretary,  
Services Department  
( Service-1-Br.), 7th Level,  
B-Wing, I.P.Estate, New Delhi.

..Respondents

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J))

We have heard Shri Madhav Panicker, learned proxy counsel. He has referred to the letter which is an inter Departmental correspondence between the Joint Secretary (Services) and the Commissioner and Secretary, Food and Supplies Department dated 16.4.2003 (CP-11). In particular, he has referred to the statements in that letter contained in Paragraphs 2 and 3. From the tenor and averments in these Paragraphs in particular, we are unable to come to the conclusion that the respondents have

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committed any contumacious or wilful disobedience of the Tribunal's ad interim order dated 3.3.2003 because they have realised that there is a stay order operating against them with respect to transfer order of the petitioner and they have stated that he may not be physically relieved till the stay is vacated for which purpose additional facts should be brought to the notice of the Tribunal. The contention of the learned counsel is that there is only one post of Controller (W&M) against which the petitioner is working. The relevant rules have, however, not been produced to establish this fact. Even if that is so, the letter produced by the petitioner showing the inter Departmental correspondence regarding posting /placement of the concered officer in the Department does not appear to be the final order and in any case the tenor of the letter clearly states that the respondents are aware of the fact that an ad interim order granted by the Tribunal has to be considered and followed till such time the same is vacated.

2. In the above facts and circumstances of the case, we find no good grounds to issue notice to the alleged contemner at this stage. Accordingly, CP 138/2003 is dismissed.

( Govindan S.Tampi )  
Member (A)

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*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan )  
Vice Chairman (J)