

(2022) 07 J&K CK 0040

In the Jammu And Kashmir High Court

Case No : Contempt Petition (S) No. 447 Of 2020

Showkat Ahmad

APPELLANT

Vs

Ravi Capoor And Ors

RESPONDENT

Date of Decision : 20-07-2022

Acts Referred:

Administrative Tribunal Act, 1985 — Section 4, 17, 29

Citation : (2022) 07 J&K CK 0040

Hon'ble Judges : Sanjay Dhar, J

Bench : Single Bench

Advocate : Arif Sikandar, Rehana Qayoom, T.M.Shamsi

Final Decision : Dismissed

Judgement

Sanjay Dhar, J

1. Through the medium of instant petition, the petitioner has complained about the violation of interim order dated 19.07.2019 passed by this Court in WP(C) No.2476/2019, whereby, respondents were directed not to disturb the status of the petitioner.

2. Statement of facts on behalf of respondents stands filed. In the statement of facts, the respondents have inter alia submitted that the main writ petition stands transferred to Central Administrative Tribunal in terms of order dated 2nd July, 2020 passed by this Court. This position has not been disputed by the learned counsel for the petitioner.

3. A Co-ordinate Bench of this Court in case titled Abdul Qayoom Guroo vs. Ajeet Kumar Sahoo and Others, CCP(S) No.144/2020, decided on 29.09.2021, has, while considering the question as to whether Central Administrative Tribunal constituted under Section 4 of the Administrative Tribunal Act, 1985 ["the Act"] has power and authority under Section 17 of the Act to punish for contempt in relation to an interim order passed by the High Court in a writ petition, which was subsequently transferred to it under Section 29 of the Act, held that

contempt proceedings in relation to orders passed by this Court in the petitions, which subsequently stand transferred to the Tribunal under Section 29 of the Act, shall lie only and only before the Tribunal under Section 17 of the Act.

4. In view of the aforesaid ratio laid down by this Court, the instant petition is held to be not maintainable. The same is, accordingly, dismissed with liberty to the petitioner to approach the Central Administrative Tribunal by way of an application under Section 17 of the Act read with Contempt of Courts (CAT) Rules, 1992.