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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P. No.200 OF 2003  
IN  
O.A. No.3249 OF 2002

New Delhi, this the 4th day of November, 2003

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER  
HON'BLE SHRI BHARAT BHUSHAN, JUDICIAL MEMBER

Shri Ram Charan  
S/o Shri Khazan  
Safai Karamchari  
Office of Senior Health Inspector  
Northern Railway, Sarai Rohilla,  
Delhi.

.....Petitioner

(By Advocate : Shri P.S. Mehandru)

Versus

Shri L.C. Mazumdar  
Divisional Railway Manager,  
Northern Western Railway,  
Bikaner.

.....Respondents

(By Advocate : Shri R.L. Dhawan)

ORDER (ORAL)

SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER :-

This Contempt Petition has been filed by the petitioner alleging that the respondents have not complied with the order dated 13.12.2002 in OA No.3249/2002. By this order, the Tribunal had directed the Divisional Railway Manager, Bikaner to consider the grievance of the applicant and pass a speaking order. The petitioner was directed to file a representation within two weeks from the date of passing of the order dated 13.12.2002 and the Divisional Railway Manager, Northern Railway, Bikaner was directed to pass a speaking order on the same within four months. The grievance of the petitioner is that no such order was passed by the respondent/contemnor during the time allowed. Therefore, this Contempt Petition was filed. Learned counsel of the

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petitioner further invited attention to the proceedings dated 30.9.2003 wherein this Tribunal had observed that the respondents had not passed a speaking order giving the details about the last screening test. They should have enclosed a copy of the seniority list and other details regarding the serial number in the seniority list, which has been considered for promotion. This Tribunal fixed the present Contempt Petition for further hearing today giving the respondent/contemnor as a last chance to show-cause as to why he should not be punished for contempt of courts order.

2. In view of the directions of this Tribunal vide order dated 30.9.2003, the Divisional Railway Manager, Northern Western, Bikaner has passed order dated October 18, 2003 and the same has been filed along with compliance affidavit dated 21.10.2003. An affidavit of Shri D.D. Mandavi, Divisional Personnel Officer, Bikaner Division, Bikaner has also been filed. In the compliance affidavit, Division Railway Manager has submitted that there was no intention at any stage to disobey the order passed by this Tribunal. They have admitted the delay in implementation of the judgement, which according to the learned counsel was neither intentional nor deliberate. The respondents have tendered their unconditional apology for the delay in implementation of the order of this Tribunal. Learned counsel of the respondents stated that the order dated 18.10.2003

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(Annexure R-4) gives a fresh cause of action, which could be challenged, if the petitioner was so advised, in view of the decision of the Hon'ble Supreme Court in the case of J.S. Parihar Vs. Ganpat Dugar & Ors., JT 1996 (6) SCC 291. According to the learned counsel of the respondent, in view of the compliance filed, the contempt proceedings should be dropped and the notice issued to the respondents be discharged.

3. After hearing the learned counsel of the parties and after perusal of the records, we are of the view that though there has been some delay in complying with the directions of this Tribunal as per order dated 13.12.2002. However, the respondents have tendered their unconditional apology which we have accepted. It is hoped that in future they will not commit such delay as a model employer. In view of the decision of the Hon'ble Supreme Court in the case of J.S. Parihar (supra), the order dated 18.10.2003 gives a fresh cause of action to the petitioner. If he is aggrieved by the order dated 18.10.2003, he can pursue his remedy in accordance with law. But so far as this Contempt Petition is concerned, the merits of that order cannot be gone into.

4. In view of our decision in the preceding paragraphs, the contempt proceedings are dropped and notice issued to the respondent/contmnor is discharged.



(BHARAT BHUSHAN)  
JUDICIAL MEMBER



(R.K. UPADHYAYA)  
ADMINISTRATIVE MEMBER

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