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Central Administrative Tribunal, Principal Bench

C.P. No.249/2002

IN

O.A. No.534/2001

New Delhi this the 7th day of June, 2002

Hon'ble Mr. M. P. Singh, Member (A)
Hon'ble Mr. Shanker Raju, Member (J)

Shri Janak Singh
S/o Shri Bachha Ram
Watching Khallasi
Office of CAO/C,
Northern Railway,
Kashmere Gate,
Delhi.

- Petitioner

(By Advocate : Shri P.S. Mahendru)

Versus

1. Shri R.K. Singh
General Manager,
Northern Railway,
New Delhi.
2. Shri V.K. Kaul,
Chief Administrative Officer, (Const.)
Northern Railway,
Kashmere Gate,
Delhi.

- Respondents

ORDER (ORAL)

Shri Shanker Raju, Member (J):

We have heard Shri P.S. Mahendru, learned counsel for the petitioner.

2. The petitioner alleges that the respondents have willfully disobeyed the orders of the Tribunal dated 12.2.2002 in MA No.2852/2001 wherein the directions have been issued to the respondents to consider the certificate of Dr. Ajay Bansal, which was issued on 23.1.2001, and to pass a specific speaking order whether it proves the emergency or not. Before that the applicant has approached this Tribunal by filing OA No.534/2001 and the same was disposed of by

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the Tribunal vide order dated 3.10.2001 wherein directions have been issued to the respondents to treat the petitioner being posted at Delhi and to consider re-imbursing the tuition fee as well as medical expenses incurred on the treatment of his wife as per the rules, within a stipulated period as directed in that order. MA 1853/2001 filed by the respondents seeking extension of time and the same was allowed. Thereafter an order has been passed by the respondents on 28.1.2002 whereby denying the claim of the petitioner for medical reimbursement.

3. Shri P.S. Mahendru, learned counsel for the petitioner has stated that the respondents were obligated to pass a speaking order whether the certificate issued by Dr. Ajay Bansal on 23.1.2001 proves the emergency or not.

4. From the perusal of the order passed by the respondents on 7.3.2002, we are of the considered view that the respondents have considered the case of the petitioner and have complied with the directions of this Tribunal. By the order dated 7.3.2002, the respondents have considered the case of the applicant and have rejected the case of the applicant for grant of reimbursement on the ground that as emergency is not proven. We do not find that the respondents have willfully and contumaciously disobeyed the aforesaid order of this Tribunal. In view of the decision of the Hon'ble Apex Court in J.S. Parihar Vs. Ganpat Duggar

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& Ors. (1997 Vol.1 SLJ 236) wherein it has been held that new cause of action cannot be considered in the contempt petition, the present Contempt Petition is dismissed and the notices issued to the alleged contemnors are discharged.

6. This will not preclude the petitioner to assail his grievances, if still survive, in accordance with law, if so advised.

S. Raju

(Shanker Raju)
Member (J)

M.P. Singh

(M.P. Singh)
Member (A)

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