

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 24/1998
in
O.A. NO. 489/1997

New Delhi this the 19th day of January, 1998.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Ajay Kumar
R/O C/O Asha Agarwal,
2619-B, Gali No.7,
Bihari Colony, Shahdara,
Delhi-110032.

... Applicant

(By Shri Sanjeev Sahai, Advocate)

-Versus-

Union of India through
Shri K. K. Chaudhery,
Divisional Railway Manager,
Northern Railway,
Chelmsford Road,
New Delhi.

... Respondent

(By Shri R. L. Dhawan, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

Heard the learned counsel for the parties.

2. This is a contempt petition for non compliance with the order dated 17.11.1997 in O.A. No. 489/97. The direction was as follows :-

"4. We dispose of this O.A. with a direction to the respondent to dispose of applicant's representation dated 3.1.96 and subsequent representation with specific reference to prayer for fixation of pay, seniority and promotion, by a detailed, speaking and reasoned order, in accordance with rules and instructions, under intimation to the applicant, within one month from the date of receipt of a copy of this order. In the event any further

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grievance still survives, it will be open to the applicant to agitate the same in appropriate original proceedings, in accordance with law."

3. The learned counsel for the respondent submitted that the aforesaid direction of the Tribunal has been complied with by considering and deciding the two representations dated 3.1.1996 and 30.5.1996. According to the learned counsel, the case of the applicant for promotion was considered but he was not found fit for promotion. Accordingly, his case for promotion was rejected by a detailed, speaking and reasoned order, as directed by the Tribunal. However, the applicant was not accepting the order that was made on his representations. The learned counsel for the respondents files a copy of the decision taken by the Divisional Railway Manager after considering the aforesaid representations of the applicant.


4. In the facts and circumstances of the case, we direct that a copy of the said decision on the representations may be delivered to the learned counsel for the applicant. The same is delivered to the learned counsel for the applicant in our presence.

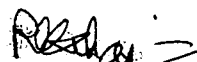
5. The learned counsel for the applicant wanted time to file reply. However, the prayer is rejected in view of the fact that the contempt is a matter between the court and the contemner and after the contempt is brought to the notice of the court, the applicant has no right of hearing though he may assist

for the court, if so required.

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6. We may, observe that in O.A. 489/97 liberty was given to the applicant to challenge the order passed on his representations, if he was not satisfied with it. Under the circumstances, we discharge the rule nisi issued against the respondent. If not satisfied with the decision on his representations, the applicant has his remedy as indicated in the aforesaid order of the Tribunal dated 17.11.1997 in O.A. 489/97.


(K. M. Agarwal)
Chairman


(R. K. Anooja)
Member (A)

/as/