

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 263/1997

in

O.A. NO. 704/1997

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New Delhi this the 11th day of November, 1997.

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

HON'BLE SHRI S. P. BISWAS, MEMBER (A)

Pritam Singh S/O Shri Honda Singh,
Cabinman, Northern Railway,
Railway Station,
Katar Singh Wala,
Distt. Bhatinda (Punjab).

... Applicant

(By Shri G. D. Bhandari, Advocate)

-Versus-

1. Shri S. P. Mehta,
General Manager,
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi.

2. Shri K. K. Chaudhary,
Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi:

... Respondents

(By Shri R. L. Dhawan, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

Heard the learned counsel for the applicant on
the application for contempt.

2. In O. A. No. 704/97 decided on 15.5.1997,
following direction was made by this Tribunal.

"3. This matter involves certain
consideration of technical as well as
operational aspects and compliance with the
"Station Working Rules". It will be
appropriate if a direction is issued to
respondent No.2 to consider the

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representations and dispose of the same. Accordingly, Respondent No.2, Divisional Railway Manager, Northern Railway, New Delhi is hereby directed to dispose of the representations at Annexure A-4 to A5 pages 19 to 22 of the OA within a period of 8 weeks from the date of receipt of a copy of this order. Before disposing of the representations, Respondent No.2 shall afford an opportunity of hearing to the applicants or their representative and pass a reasoned order."

3. In their counter, the respondents have asserted that after giving the applicant and others personal hearing on 15.10.1997, a speaking order was passed and communicated to the applicant vide letter No. 3-E/123/5/HOER/15 dated 27.10.1997. A copy of the order has also been filed as Annexure R-1.

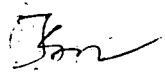
4. The learned counsel submitted that as per the direction, an opportunity of hearing was to be given either to the applicants or their representative. - Applicants are illiterates and, therefore, their representative ought to have been given hearing. It was further pointed out that while considering the representation, technical and operational aspects and compliance with the station working rules was not made and, therefore, there was no full compliance with the aforesaid directions of the Tribunal

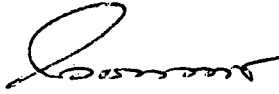
5. We find no substance in the contention of the learned counsel for the applicant. According to us, the two directions were very clear. One was for consideration of the representation and the second was

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with reference to affording a hearing to the applicants or their representative. That having not been done, no case for contempt survives. If the applicant considers himself to be aggrieved by the order, he may file a separate O.A., for which also liberty was given in paragraph 4 of the Tribunal's order dated 15.5.1997 in O.A. No. 704/97. Accordingly this contempt application having become infructuous, is hereby dismissed. The rule nisi is discharged.


(K. M. Agarwal)
Chairman


(S. P. Biswas)
Member (A)

/as/