

Central Administrative Tribunal  
Principal Bench

CP 264/2001

in

OA 777/1997

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New Delhi this the 13 th day of November, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).  
Hon'ble Shri Govindan S. Tampi, Member(A).

1. Shri Prem Narain,  
S/o Shri Harnam Singh,  
Ex. Tube Cleaner,
2. Shri Arun Kumar,  
S/o Shri Balwant Singh,  
Ex. Callman,
3. Shri Srichand,  
S/o Shri Rattan Singh,  
M.S. Khallasi,
4. Shri Virender Kumar Sharma,  
S/o Shri Babu Ram Sharma,  
Ex. Tube Cleaner

(all under Locoshed, Northern Railway,  
Saharanpur, presently  
R/o T-30/12-A, Baljeet Nagar, N.Delhi). ... Applicants.

(By Advocates Shri B.S. Mainee with Ms. Meenu Mainee)

Versus

1. Shri S.P. Mehta,  
General Manager,  
Northern Railway,  
New Delhi.
2. Shri Vinod Sharma,  
Divisional Railway Manager,  
Northern Railway,  
New Delhi.
3. Shri Kapoor,  
Divisional Railway Manager,  
Northern Railway,  
Ambala Cantt.

... Respondents.

(By Advocates Shri H.K. Gangwani, senior counsel with Shri  
V.S.R. Krishna)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

CP 264/2001 has been filed by the petitioners on  
5.12.2000, alleging that the respondents have deliberately

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flouted the directions of the Tribunal in order dated 4.8.2000 in OA 777/97. According to the respondents, they have not done so but have striven hard to comply with the directions in letter and spirit.

2. We have heard Shri B.S. Mainee, learned counsel for the petitioners at length and also Shri H.K. Gangwani, learned senior counsel for respondents. The respondents had moved the Hon'ble High Court of Delhi by filing a CWP in the aforesaid O.A. on 22.11.2000. According to the learned counsel for the petitioners, a number of judgements had been taken by the respondents in the High Court. On 29.8.2001, the High Court had disposed of the petition modifying the Tribunal's order with certain other directions. Shri H.K. Gangwani, learned senior counsel, has submitted that a further petition has been filed in the High Court for seeking certain clarifications of the order dated 29.8.2001 which is listed for hearing on 14.12.2001. He has submitted that the applicants have been reinstated in service and with regard to the other directions, they are awaiting the judgement of the High Court. This has been very vehemently denied by learned counsel for the petitioners who has insisted that as there has been delay in compliance of the Tribunal's order, we should proceed in the aforesaid Contempt Petition. On the other hand, Shri H.K. Gangwani, learned senior counsel, has submitted that in the light of the further orders of the High Court and the fact that the matter is still subjudice in the High Court, it would not be proper for the Tribunal to proceed in the contempt matter.

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3. Taking into account the relevant facts and circumstances and the aforesaid orders of the High Court, in our considered view, it would not be proper for us, to proceed with CP 264/2001 which had been filed by the petitioners, alleging non-implementation of the Tribunal's order dated 4.8.2000 when further orders and directions have been issued by the Hon'ble High Court where the matter in respect of certain other points is subjudice. In the circumstances of the case, CP 264/2001 is dismissed. Notices issued to the alleged contemnors are discharged.

(Govindan S. Tampi)  
Member(A)

'SRD'

(Smt. Lakshmi Swaminathan)  
Vice Chairman (J)