

Central Administrative Tribunal
Principal Bench: New Delhi

C.P. No.110/2001 In
O.A. No.1627/1996

New Delhi this the 14th day of May, 2001

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Kanchi Singh,
S/o Shri Munshi Singh,
R/o E-314, East Vinod Nagar,
Delhi.

-Petitioner

(By Advocate: Shri M.L. Sharma)

Versus

1. Shri D.P. Tripathi
Secretary,
Railway Board,
(Rail Bhawan),
New Delhi-1.
2. Shri S.P. Mehta,
General Manager,
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi.

-Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER (Oral)

By Shri V.K. Majotra, Member (A)

Non-observance of directions contained in order passed by this Tribunal on 10.3.2000 in OA-1627/96 has been made the basis of the present contempt petition. The aforesaid OA was disposed of with the following directions:-

"The question of cadre restructuring of the canteen staff, percentage distribution of posts at par with those of catering staff is a policy matter and is under examination of a sub-committee of the Railway Board. According to the respondents, these questions, including the points raised by the applicants in their representation dated 24.6.1995 are under consideration of the aforesaid committee. We are of the view that ends of justice would be met if the aforesaid

committee expedites the examination of the said issued and a policy decision is taken by the respondents within a period of six months of the receipt of this order.

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This O.A. is disposed of in terms of the above directions. No order as to costs".

2. In the petition it has been contended that though a period of more than six months has gone by, no decision has been taken by the respondents towards implementation of Court's directions. The respondents have filed their counter reply denying the allegations and applicants have filed rejoinder to the same. We have heard the learned counsel of both sides and also perused the material on record.

3. Shri M.L. Sharma, learned counsel of the applicants contended that respondents were supposed to consider the question of cadre restructuring of canteen staff and other related matters through examination by a sub-committee of the Railway Board. However, the respondents have not taken any decision on the basis of the report of the Committee. Whatever action has been taken by the respondents, it is on the basis of the recommendations of the 5th Central Pay Commission. Shri Sharma pointed out respondents' mistake contained in their counter in which they have stated that "after" the counter reply was filed the Original Application was admitted. Shri Sharma stated that the Original Application had been admitted prior to respondents furnishing the counter reply. Shri Krishna, learned counsel for respondents has admitted that this mistake has crept in the counter, actually the OA was admitted before the counter reply. Shri Krishna pointed out that Railway Board had taken the policy decision on

10.5.98 relating to the grievances of the applicants. The benefits accorded to the applicants on the basis of the decision of the Railway Board could not be brought to the notice of the Court before the Tribunal's order dated 10.3.2000 while the counsel of both sides were absent, the OA was decided on the basis of the pleadings of both sides. Shri Krishna further referred to Annexure CR-1 dated 18.4.2001 pointing out that various applicants in OA-1627/96 and other similarly placed candidates were accorded benefits in terms of Railway Board's recommendations dated 10.5.98 including more than one promotions during the year 2000/by 1.1.2001 as the case may be. However, the applicants have suppressed this information while filing the Contempt Petition in February, 2001.

4. The learned counsel of the applicants referring to the rejoinder stated that whereas the applicants have asked for upgradation and restructuring as on 1.1.1984 and 1.3.93 as granted to "C&D" staff of the Railways and the respondents were supposed to grant relief on the basis of the recommendations of a committee, respondents did not decide the representation of the petitioners dated 16.12.2000.

5. We find that Annexure CP-3 dated 10.5.98 is a policy decision of the Railway Board in respect of the employees of canteens (statutory and recognised non-statutory) in the Railways and Production Units etc. The applicants ^{and b} similarly placed personnel have been granted benefit on the basis of Railway Board's recommendations dated 10.5.98. Although these benefits have been made

✓ available to the applicants among others before the decision in OA No. 1627/96, the same were not brought to the notice of the Court before decision in the matter. Even at the time of presentation of the present Contempt Petition, information relating to recommendations dated 10.5.98 of the Railway Board and action of the authorities on the basis of the same was not incorporated in the Contempt Petition instead the applicants have questioned non-action of the respondents on implementation of the directions of this Court. 20

6. We are in-agreement with the learned counsel of the respondents that if information relating to 10.5.98 had been brought to the notice of the Court either by the applicants or the respondents, the directions of the Court could have been different than those made in the order dated 10.3.2000 in OA-1627/96. Annexure CP-3 dated 10.5.98 is a relevant policy decision of the Railway Board to this Contempt Petition. The applicants have made an attempt to challenge the same and re-argue the matter which was contained in the OA-1627/96 which is beyond the ambit and scope of a Contempt Petition. The applicants have also suppressed material relating to the implementation of Railway Board's Memo dated 10.5.98 which was the subject matter of the OA. We observe that vide Annexure CR-1 dated 18.4.2001 the applicants among others have been accorded benefit in terms of Railway Board's Memo dated 10.5.98 vide letter dated 14.8.2000.

7. Having regard to the above reasons, we do not find

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any substance in the present Contempt Petition which is dismissed and the notices to the alleged contemnors are discharged.

S. Raju
(Shanker Raju)
Member (J)

V.K. Majotra
(V.K. Majotra)
Member (A)

cc.