

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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C.P. NO. 169/1998

in

O.A. NO. 1617/1996

New Delhi this the 6th day of July, 1998.

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

HON'BLE SHRI N. SAHU, MEMBER (A)

Mahender Pal Singh
S/O Shri Gopender Singh,
R/O 104/B-2, Western Railway Colony,
Tughlakabad,
New Delhi-44.

... Applicant

(By Shri A. K. Bhardwaj, Advocate)

-Versus-

1. Shri Brahmdev Gupta,
General Manager,
Western Railway,
Churchgate,
Bombay.

2. Shri Lajpat Rai Thapar,
D.R.M. (Estb.),
Western Railway,
Kota Division,
Kota, Rajasthan.

3. The Sr. D.E.E. (Shri Sanjeev Bhardwaj),
Vidyut Loco Shed,
Northern Railway,
Delhi Division,
Tughlakabad,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

Heard the learned counsel for applicant on the
contempt petition.

2. In OA No. 1617/96 decided on 27.11.97,
transfer of the applicant from Tughlakabad to Mumbai
Central Division was quashed. However, the

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respondents were given liberty to consider the transfer of the applicant to another station within the Division, if it was considered essential in the interest of administration or in public interest. It appears pursuant to this order of the Tribunal, the earlier order of transfer from Tughlakabad to Mumbai was quashed by order dated 23.12.1997 and by the same order, he was transferred from Tughlakabad to Power Department under Senior Divisional Engineer (Power), Ramgarh. It is not disputed that Tughlakabad and Ramgarh are within the Kota Division.

3. On going through the order dated 23.12.1997, we are of the view that no case for contempt is made out because the order appears to be in conformity with the directions made on 27.11.1997 in OA 1617/96.

4. The order dated 23.12.1997 further says that the applicant shall be entitled to all facilities admissible to a transferred employee. It further says that for the period between 16.12.1997 and 23.12.1997, the applicant may await further orders from the office.

5. In the circumstances aforesaid, the learned counsel submitted that after the earlier transfer order was quashed, the applicant should have been allowed to join duties at Tughlakabad. It was submitted that he should also have been paid his salary for the period from 30.4.1996 till date.

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6. This grievance of the applicant does not arise out of the directions made in OA No. 1617/96. Secondly, after 23.12.1997 he will get his salaries etc. from the office of Senior Divisional Engineer (Power), Ramgarh. Thirdly, he may await the order of the office for the period between 16.12.1997 and 23.12.1997. Thereafter, if so advised, he may file a fresh petition for his salary for the period during which he considers him to be entitled to receive his salaries, if they are not paid. But for that period, these contempt proceedings cannot be initiated.

7. For the reasons and subject to observation aforesaid, this contempt petition is hereby summarily dismissed.



(K. M. Agarwal)
Chairman



(N. Sahu)
Member (A)

/as/