

Date	Office Report	Orders
	C.P. 44198 OA. 611193 MA. 377198	19.2.98. Present: Sh. C.D. Bhandari, Ad. counsel for the applicant. C.P. has been rejected by a D.B. of Hon'ble the Chairman & Hon'ble Sh.R.K. Alwaja, M(A), on 19.2.98. B.O grd 67 C.S.

25

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 44/1998
in
O.A. NO. 611/1993
M.A. NO. 377/1998

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

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Veerpal Singh
S/O Suraj Bali Singh,
Ex. Sub. Loco Cleaner,
Northern Railway,
Locoshed,
Moradabad. ... Applicant

(By Shri G. D. Bhandari, Advocate)

- Versus -

1. Shri S. P. Mehta,
General Manager,
Northern Railway,
Baroda House, New Delhi.
2. Shri P. K. Gupta,
Divisional Railway Manager,
Northern Railway,
Moradabad. ... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal,

We wanted to know from the learned counsel whether the directions of the Tribunal in O.A. No. 611/1993 decided on 26.11.1997 have or have not been complied with. The learned counsel submitted that they have not been complied with. We next pointed out to him that as per the papers on record, it appears that he was given appointment against a post in S & T Department on the ground that there was no vacancy in the post of Loco Cleaner, which he held. The learned neither said yes or no and wanted us to see what the law says in such matters vis-a-vis the provisions of the Contempt of Courts Act. We heard him.

John

2. At this stage, the learned counsel again said that he will argue in the manner he understands law but not in the manner dictated by the Court. We do not agree. A counsel is entitled to address the court only on relevant matters and he cannot force us to hear the matters which we consider to be irrelevant. He has a right to ask us to incorporate everything in the ordersheet so that he may demonstrate in appeal or petition that we were incorrect in our views.

3. By referring to paragraph 1 of the order dated 26.11.1997 passed by the Tribunal in O.A. 611/1993, the learned counsel pointed out that at the time of his removal from service on 17.2.1992, the applicant was working as Substitute Loco Cleaner, and then further submitted by referring to the last paragraph of the order that in consequence of the quashing of that removal order dated 17.2.1992, the applicant was entitled to be reinstated against the post of Substitute Loco Cleaner and accordingly entitled to all consequential benefits. He further submitted that by subsequent order dated 25.7.1994 (Annexure-B), a decision was taken to send for training the surplus staff of Steam Traction due to closure of Stem Sheds. Accordingly if pursuant to the directions made the applicant was given the post of Substitute Loco Cleaner he would have drawn all the advantages and wages of that post till 25.7.1995 and

Jm

24

thereafter the advantages of training or any other benefit that accrued to such Loco Cleaners pursuant to the said order dated 25.7.1994. According to the learned counsel, in this background, the reinstatement of the applicant against another post pursuant to the said order cannot be said to be proper or due compliance with the directions of the Tribunal.

4. We are of the view that in the changed circumstances, the respondents have honestly tried to implement the order of the Tribunal in the manner they thought fit to comply with the order. We, therefore, see no deliberate act on the part of the respondents to flout the order of the Tribunal. In the peculiar facts and circumstances of the case, the remedy that may now be available to the applicant is to join the post subject to objections and agitate the matter, if so advised, again in appropriate proceedings. The learned counsel also wanted to make further submission on another point, but so far as contempt is concerned, we are of the view that no case is made out for proceeding against the respondents for non compliance with the aforesaid directions of the Tribunal and, therefore, we refuse to hear him further.

5. Subject to observations aforesaid, this application for contempt is hereby summarily rejected.

Jm

(K. M. Agarwal)
Chairman

R. K. Aahooja
(R. K. Aahooja)
Member (A)

/as/