

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.P.NO.57/95
O.A.NO.466/93

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)
Hon'ble Shri R.K.Ahooja, Member (A)

New Delhi, this 9th day of January, 1996

Shri Mhiya Singh
S/o Shri Sadhu Ram
Ex. Mobile Booking Clerk
Railway Station
Jind City.

Applicant

(By Shri B.S.Mainee, Advocate)

Versus

1. Shri A.K.Bhatnagar
Secretary
Ministry of Railways
Rail Bhawan
New Delhi.
2. Shri V.K.Agarwal
General Manager
Northern Railway
Baroda House
New Delhi.
3. Shri I.P.S.Anand
Divisional Railway Manager
Northern Railway
State Entry Road
New Delhi.

... Respondents

(By Shri H.K.Gangwani, Advocate)

O R D E R (Oral)

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

This is ^{an} Contempt Petition filed by the Petitioner. The Petitioner alleges that the respondents have not implemented the Tribunal's directions given in OA No.466/93 dated 7.9.1993. The order passed in this application was similar to the one passed in OA No.268/91 decided on 28.1.1992. The Petitioner alleges that in accordance with the directions given by the Tribunal on 7.9.1993, the respondents ^{by} have failed to reengage him as a Mobile Booking Clerk within

a reasonable period and in fact, they have wilfully disobeyed the orders by not re-engaging him in that post for more than two years.

2. Learned counsel for the applicant submits that on account of the wilful delay caused by the respondents in implementing the judgment, the applicant has lost wages, and further delay has been caused to him in getting the benefits of permanent status which he would otherwise have received, if the respondents had implemented the judgment within a reasonable time after it was passed on 7.9.1993

3. The respondents have filed a reply. Respondents' stand is that they filed Special Leave Petition (SLP) in the Hon'ble Supreme Court which was dismissed on 24.2.1995, information of which was received from the Central Agency Section in April, 1995. In pursuance of the dismissal of the SLP by the Supreme Court, the respondents thereafter issued letters to the Petitioner on 22.5.1995 and 30.6.1995 intimating him to report to the office for further necessary action. In the circumstances, the learned counsel for the respondents submits that there is no wilful delay on the part of the respondents and since the directions of the Hon'ble Tribunal have been fully complied with, the Petition for contempt does not lie.

4. The learned counsel for the applicant on the other hand submits that the Petitioner had no knowledge, whatsoever, about the filing of the SLP. He further submits that the stay order having been granted by the Hon'ble Supreme Court against the order of this Tribunal dated 7.9.1993, the respondents ought to have implemented the judgment and their delay is

wilful. He also relies on the observations of the Tribunal in Shri Karunakaran Vs. K. Padmanabiah and Others (ATJ 1995(2) P-623). (X)

5. We have considered the matter. As per orders of this Tribunal, the respondents were to reengage/regularise the applicant on completion of three years service subject to fulfilling all other conditions and in accordance with the Railway Board's letters dated 21.4.1982 and 20.4.1985. The remedy pursued by the respondents in filing the SLP in the Supreme Court is in accordance with law.

6. We note that the applicant has not approached this Tribunal in time either by way of Contempt Petition or any other remedy open to him for implementation of the Judgment prior to filing of this Contempt Petition on 2.2.1995. Therefore, having regard to the provisions of Section-20 of Contempt of Courts Act, 1971, this Contempt Petition is liable to be dismissed on the ground of limitation.

7. Apart from the above ground, we do not find that the respondents either have failed or wilfully delayed to implement the Tribunal's order dated 2.9.1993. In the circumstances, the notice issued in the Contempt Petition is discharged. However, if as a result of the order any other grievance with regard to the back wages or seniority survives it is open to the Petitioner to take such action as advised, in accordance with law.

R.K.A.
(R.K. AHOJA)
MEMBER (A)

Lakshmi
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

/RAO/