

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP No.348/2001
in
OA 418/2000

New Delhi this the 22nd day of October, 2001

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

Miss Soma Devi
D/o Lt.Sh.Lal Ram,
2129,Gali Rai Bhadur,
Katra Khusal Rai,
Chandi Chowk,Gali No.8,
New Delhi.

..Petitioner

(By Advocate Shri Yogesh Sharma)

VERSUS

1.Shri Jaswinder Singh Marwa,
Divisional Railway Manager,
Northern Railway,Ferozepur Divn.,
Ferozepur(Punjab)

..Respondent

(By Advocate Shri H.K.Gangwani,Learned
Senior Counsel along with Shri V.S.R
Krishna)

O R D E R (ORAL)

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

In pursuance of Tribunal's order dated 11.9.2001, the respondents have filed an additional affidavit on 3.10.2001 bringing on record the relevant documents pertaining to the appropriate test which has been conducted to test the suitability of the applicant for Group "C" post. We have also heard learned counsel for the parties and are satisfied that in the facts and circumstances of the case,it cannot be held that the respondents have,in any way,deliberately or contumaciously disobeyed the Tribunal's order dated 20.10.2000 in OA 418/2000 to justify any further action being taken against the alleged contemnor/respondent under the Contempt of Courts Act,1971 read with Section 17 of the Administrative Tribunals Act,1985. In this view of the matter, CP 348/2001 is dismissed. ~~However~~

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3. However, before parting with this CP, it is relevant to note the submissions made by Shri Yogesh Sharma, learned counsel for the petitioner that the applicant who is a girl has been given the offer of appointment as Running Room Bearer/Group 'D' post which entails night duty. Her date of birth is 2.11.1978 and she is, therefore, about 22 years. Learned counsel has fairly submitted that as these facts are not part of the pleadings, he is withdrawing the Contempt Petition as the applicant would like to make a representation to the competent authority/respondents to sympathetically consider the duty hours as Running Room Bearer, considering her age and gender. Learned counsel for the respondents has submitted that if such a representation is made before the Competent Authority, there is no reason to believe that it would not be considered sympathetically and in accordance with law and rules. However, they have submitted that no such order can be passed at this stage and it is premature.

4. We agree with the above submissions and do not pass any specific order at this stage, leaving it open to the applicant and the competent officer to take an appropriate decision in the matter.

5. In the above circumstances, Shri H.K. Gangwani, learned senior counsel submits that he does not press MA 1408/2001 as the same has become infructuous. That MA is accordingly disposed of.

6. Accordingly CP 348/2001 is dismissed. Notice issued to the alleged contemnor is discharged. File be consigned to the record room.

(Govindan S. Tampl)
Member (A)
Jsk


(Smt. Lakshmi Swaminathan)
Vice Chairman (Jsk)