

Central Administrative Tribunal
Principal Bench

C.P. No. 410 of 2000
in

O.A. No. 14 of 2000

New Delhi, dated this the 4th September 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Ranjeet Singh Rawat,
S/o Shri Rai Singh,
Painter under Sectional Engineer Estate,
Nizamuddin, Northern Railway, Petitioner/
New Delhi. .. Applicant

(By Advocate: Shri Romesh Gautam)

Versus

1. Shri S.P. Mehta,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Shri Vinod Sharma,
Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi. Contemnors/
.. Respondents

(By Advocate: Mrs. Meera Chhibber)

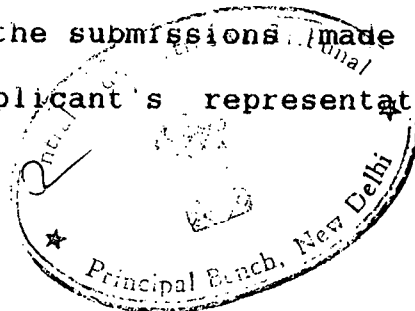
ORDER

S.R. ADIGE, VC (A)

Heard both sides on C.P. No. 410/2000
arising out of the Tribunal's order dated 5.1.2000 in
O.A. No. 14/2000.

2. In that O.A. applicant had sought
promotion as SOM with all consequential benefits, or
alternatively to grant him the scale of Rs.4000-6000
as he was a diploma holder.

3. After noting the submissions made by
applicant's counsel that applicant's representation



dated 3.2.95 followed by subsequent representations still remained undisposed of by respondents, the O.A. was disposed of by order ~~dated~~ dated 5.1.2000 dictated in presence of applicant's counsel, directing respondents to consider applicant's claim in the light of rules and instructions on the subject, as well as order dated 29.1.96 in O.A. No. 1419/94 Mam Chand Vs. Union of India within three months from the date of receipt of a copy of the order, giving liberty to applicant that if he were still aggrieved thereafter, it would be open to him to agitate his grievance through appropriate original proceedings in accordance with law, if so advised.

4. Pursuant to the above directions, the Office of G.M., Northern Railway in his letter dated 9.2.2000 addressed to DRM, Delhi, Northern Railway (Page 14 of O.A. appended with respondents' reply) informed the latter that applicant's claim for incentive, for passing Diploma in Civil Engineering were not tenable, as there were no instructions to that effect. The Office of DRM, Delhi, Northern Railway in turn informed S.E. (W) under whom applicant works, that applicant's claim for grant of increment for passing Diploma in Civil Engineering was not tenable as there were no instructions to that effect, vide letter dated 16.2.2000 (Page 13 of O.A. appended with respondents' reply). DRM's office separately wrote to applicant in May, 2000 which was issued on 5.6.2000 (Ann. R-1) care of S.E. (Estates) HNKM that as ^{far as} _A sanctioning of advance

increments for securing diploma in Civil Engineering was concerned, there was no such provision under relevant rules/ instructions, and as ^{far as} ~~regards~~ promotion as SOM was concerned, he could not be equated with Mam Chand and he had to seek his advancement in his own channel of promotion. Furthermore in the selection for the post of SOM his qualification would be given due consideration as per rules.

5. While in the C.P., it was contended that respondents had not taken any action on the Tribunal's order dated 5.1.2000, and had thereby committed contempt of court, in the rejoinder filed in response to respondents' reply it has been averred that respondents' letter dated 5.6.2000 was never received by applicant's controlling officer viz. S.E. (Estates) HNZN. It is further stated that by letter dated 6.12.2000 (Ann. P-4 to rejoinder) S.E. (Estates) had been asked by DPO's office whether applicant had been apprised of the contents of letter dated May, 2000 issued on 5.6.2000 (Ann. P-5) ^{and} had intimated that the aforesaid letter had not been received in his office, and hence the question of getting its contents noted by applicant did not arise.

6. During the course of hearing applicant's counsel Shri Gautam contended that the aforesaid letter dated May, 2000 issued on 5.6.2000 as well as the letters dated 9.2.2000 and 16.2.2000 were 'fabricated'.

16

7. It is apparent that there was a communication gap between the office of the DRM and that of the Sr. S.E. (Estates) resulting in the non-receipt of letters dated 16.2.2000 and May, 2000 by the latter, as a result of which applicant could not be informed of the contents of the same, but merely because S.E. (Estates) did not receive the same, does not necessarily imply that the letters are fabricated or concoted.

8. Respondents would do well to get the matter enquired into as to the circumstances ^{under which} ~~which~~ the aforesaid important communications, which relate to implementation of the Tribunal's order did not reach their subordinate functionaries, but we have no reason to hold these communication to be ^{fabricated} ~~concoted~~ and/or concoted, and are, therefore of the considered view that the Tribunal's order dated 5.1.2000 has been implemented, even if with a little delay, which by itself is not sufficient to warrant continuation of these contempt proceedings against respondents. We have already noted that liberty has been given to applicant that if he is still aggrieved it is open to him to agitate his grievance through appropriate original proceedings in accordance with law, if so advised.

9. Subject to what has been stated in Para 8 above this C.P. is, therefore, dropped and notices are discharged.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)