

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 418/2005 in
OA 1752/2000

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New Delhi, this the 23rd day of February, 2006

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)
Hon'ble Shri Mukesh Kumar Gupta, Member (J)

R.D. Swami, Zonal Secretary
All India Station Masters Association
Railway Station Delhi Safdarjung
New Delhi.
R/o 10/4, Railway Colony
Sarojini Nagar, New Delhi.

...Applicant

(None for the applicant even on the revised call)

V E R S U S

1. Shri V.N. Mathur, General Manager
Northern Railway, Baroda House, New Delhi.
2. Shri Azizul H.
Divisional Railway Manager
Northern Railway, Moradabad.

...Respondents

(By Advocate Shri H.K. Gangwani with Shri R.L. Dhawan)

O R D E R (O R A L)

Hon'ble Shri Mukesh Kumar Gupta, Member (J)

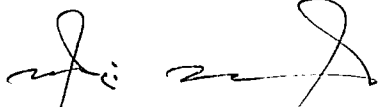
None appears for the applicant even on the revised call.

2. It is contended by Shri H.K. Gangwani, learned counsel for the respondents that they have preferred CWP No.1482/2002 against the order of this Tribunal dated 8.8.2001 in OA 1752/2000. The Rule DB was issued in the aforesaid Writ Petition vide order dated 6.3.2002 and later vide order dated 28.1.2003, the matter was listed for final disposal "in due course". It is further contended that said Writ Petition remains pending before the High Court of Delhi.

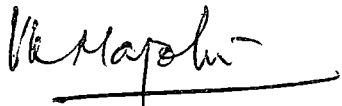
3. In view of the above, it is contended that there is no willful disobedience of the directions issued by this Tribunal. We may note that vide order dated 27.1.2006, respondents' statement that they did not wish to file reply and were ready to argue the matter had been noticed and the matter was fixed for hearing. Matter was adjourned to 15.2.2006 and on 15.2.2006 for today. Upon hearing the counsel for the respondents and on perusal of the orders produced in the aforesaid CWP, we find justification in the contention raised. Since the matter under consideration has been carried before the Hon'ble High Court of Delhi, we do not find any willful disobedience of the directions of this Tribunal. CP is

accordingly dismissed. Notices to the respondents are discharged. However, liberty is granted to the applicant to revive the same in case the decision is taken otherwise before the said Court.

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(Mukesh Kumar Gupta)
Member (J)

/vikas/


(V.K. Majotra)
Vice-Chairman (A)

23.2.06