

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Hon'ble Shri S.A.T.Rizvi, Member(Admnv.)
Hon'ble Shri Shanker Raju, Member (Judicial)

C.P.No.547/2001 in O.A.No.159/2000

New Delhi, this the 8th day of November, 2001

Rakesh Kumar Sharma
s/o Sh. Mahesh Chand Sharma
r/o H.No.59, Gali No.2, Mahavir Nagar
Firozabad (UP). .. Applicant

(By Advocate: Shri Yogesh Sharma)

Vs,

Sh. M.John
Divisional Railway Manager
Northern Railway
Allahabad Division
Allahabad. .. Respondent

(By Advocate: Shri H.K.Gangwani)

O R D E R(Oral)

By Shanker Raju, Member (J):

Heard both the parties.

2. The applicant has alleged contumacious and wilful disobedience of the orders passed by this Court wherein directions have been issued to the respondents to consider the claim of the applicant for re-engagement in accordance with the Rules. In compliance, thereafter, the respondents have passed an order dated 11.10.2001 by stating that no junior of the applicant or fresher has been re-engaged in Electrical General Department of Train Lighting side on the Division and also as the applicant has failed to complete continuous service of 120 days and having not attained the temporary status he is not eligible for empanelment by the screening committee for absorption against regular Group 'D'/'C' post.

3. The learned counsel for the applicant by drawing our attention to the orders passed by this Court on 18.5.2001 vehemently requested time for filing rejoinder within two days. It is also stated that as the issue regarding juniors have already been dealt with and concluded the same is no more raised by the respondents in their reply. As far as the days of completion of 120 days, it is stated that the applicant has been given a technical breaks of 3 days which should be included as such he has completed 120 days for accord of temporary status and further regularisation. As such denial of his engagement by the respondents clearly shows that they have committed contempt by showing wilful disobedience of this Court's order.

4. We have carefully considered the rival contentions of the parties. As the issue is apparent and clear from the reply we do not find any justification to accord to the learned counsel for the petitioner to file reply. As the contempt petition is between the Court and the respondents, we are satisfied that there is no wilful and contumacious disobedience of this Court's order. The applicant claims have been rejected on the ground that he has not yet completed 120 days which constitutes separate cause of action, he is at liberty to assail any appropriate proceedings and a new cause of action cannot be gone into by this Court in Contempt Petition as held by the Apex Court in J.S.Parihar Vs. Union of India., JT 1996(9) SC 608.

5. In the result, the CP is dismissed.

Notices issued to the respondents are discharged. However, the applicant is at liberty to assail any cause of action arisen in accordance with law. No costs.

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S. Raju

(SHANKER RAJU)
MEMBER(J)

S.A.T. Rizvi

(S.A.T. RIZVI)
MEMBER(A)

/RAO/