

ORAL

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the **29th**Day of **January**, 2021)

Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)
Hon'ble Mr. Devendra Chaudhry, Member (Administrative)

Contempt Petition No.330/11/2007
(Arising of Original application No.330/1236/2003)

Brijesh Kumar Singh aged about 46 years, son of Ram Saikh Singh,
Resident of Village Kundawli, Post Office Larrod, District Deoria.

..... **Petitioner**

By Advocate: None

Versus

1. Sukhbir Singh, General Manager, North Eastern Railway, Gorakhpur.
2. Amitabh Lal, Divisional Raiwlay Manager, North Eastern Railway, Lucknow Division, Lucknow.
3. Anil Kumar Dwivedi, Senior Division mechanical Engineer, North Eastern Railway, Gonda.

..... **Respondents**

By Advocate: None

O R D E R

Delivered by Hon'ble Mr. Justice Vijay Lakshmi, Member (J)

List revised. No one is present from either side even on the revised call.

2. The instant Contempt Petition has been filed for non compliance of the order dated 05.12.2005 passed in OA No.1236 of 2003.

3. The order-sheet shows that on 07.02.2007, this Tribunal had issued notice to respondent No.3 asking him to file compliance report or to show cause as to why he should not be punished for disobeying the order of this Tribunal dated 05.12.2005. Thereafter, the order dated 12.07.2007 shows that the order in respect of which the contempt petition was filed, was stayed by the Hon'ble High Court in Writ (A) No.19419 of 2006, filed by the respondent/contemnor, therefore, the file of the instant Contempt Petition was kept undated, *sine die*.

4. As per office report dated 27.01.2021, no one has turned up before this Court since then. The order passed in Writ Petition (A) No.19419/2006 by Hon'ble High Court is available on record which shows that Hon'ble High Court, vide order dated 20.09.2016, has allowed the writ petition. The impugned order, which is the basis of this contempt petition, has been set aside and OA No.1236 of 2003 has been rejected on the ground that it is barred by limitation and also that the this Tribunal had no jurisdiction to entertain the matter.

5. In view of the above, when the Original Application No.1236 of 2003, itself, has been rejected by Hon'ble High Court, the Contempt Petition cannot survive. Perhaps for this reason, no one is appearing in this contempt petition.

6. Accordingly, contempt petition is dismissed. Notice issue to the respondent is discharged.

(Devendra Chaudhry)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

Sushil