

ORAL

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the **15thDay of October**, 2020)

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

Contempt Petition No.330/25/2020
(Arising of Original application No.330/315/2019)

GirjaShanker Singh Aged about 60 years S/o Late R.B. Singh, R/o 513,
Nanak GanjSipri Bazar, Jhansi (District- Jhansi).

..... **Petitioner**

By Advocate: Shri S.M. Ali

Versus

1. Shri Rajeev Chaudhary, Posted as General Manager, Head Quarter North Central Railway, Allahabad.
2. Dr. Shree Prakash Posted as Principal Chief Personnel Officer, Head Quarter North Central Railway, Allahabad.

..... **Respondents**

By Advocate: Shri L.M. Singh

ORDER

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

We have joined this Division Bench online through Video Conferencing.

2. Shri S.M. Ali, learned counsel for the petitioner and Shri L.M. Singh, learned counsel for respondents/contemnors, both are present in Court.

3. An affidavit of compliance has been filed by the alleged contemnor, which is available in pdf form before us.
4. Heard and perused the record.
5. The instant contempt petition has been filed for non-compliance of the order dated 03.04.2019 passed by this Tribunal, whereby the General Manager (Competent Authority) was directed to take a decision on the representation of applicant by passing a reasoned and speaking order within a period of three months.
6. Learned counsel for applicant has contended that copy of the order passed by this Tribunal was sent to the opposite parties by registered post on 09.04.2019. However, even after expiry of three months' time, granted by this Tribunal, the opposite parties have not taken any decision on his representation till today. Therefore, it has been prayed that as it is a clear violation of the order of this Tribunal, notices be issued to the respondents/contemnors.
7. To the contrary, learned counsel for respondents/contemnors, who is present in Court and has filed the Compliance Affidavit, has contended that the process to take decision and necessary action in compliance of the order of this Court was already started by the respondents. However, as it was to take some more time, a Misc. Application (MA No.1366/2019) seeking extension of time for compliance of the order dated 03.04.2019, was filed on 02.07.2019 before this Tribunal with the prayer that considering the time to be

taken in the process, the time of 3 months, granted by this Tribunal vide order dated 03.04.2019, may be extended. However, the Misc. Application could not be taken for orders and it is still pending.

8. On the aforesaid ground, it has been prayed by learned counsel for respondents/contemnors that there is no deliberate violation or non-compliance of the order of this Tribunal and whatever delay has been caused, was beyond the control of the respondents. Apart from this, unconditional apology has also been tendered by the respondents.

9. Learned counsel for respondents has lastly submitted that the matter relates to the transfer of the petitioner and as the petitioner has already retired on reaching the age of superannuation, on 31.01.2020, now this matter has become infructuous also.

10. Considering the facts and circumstances of the case, there is no need to issue notices in this contempt petition. The cause of action has become infructuous due to superannuation of the petitioner and the contempt proceedings are liable to be closed.

11. Accordingly, the contempt proceedings are closed.

12. Hon'ble Shri Devendra Chaudhry, Member (Administrative) has consented to this order during Video Conferencing.

(Devendra Chaudhry)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

/M.M/