

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

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CP No.290/00030/2018 in Decided On : 10.02.2021
OA No.290/00147/2018

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CORAM: HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)

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1. Lachchi Ram Sharma S/o Shri Dalu Ram Sharma, aged 40 years, Railway quarter, manaklao (Posted at Gang No.3).
2. Murari Prasad, S/o Shri Ganesh Prasad, aged 43 years, Railway Quarter, Jaislamer (Posted at Gang No.37)
3. Prabhat Kuamr Pandey S/o Shri Rishi Dev Pandey, aged 29 years, Railway Quarter, bhadariya Lathi, (Posted at Gang No.29).
4. Chander Shekhar Azad S/o Shri Shivilal Singha, aged 42 years, Railway Quarter, Pokharan, (Posted at Gang No.24)
5. Dharam Singh Saini S/o Shri Chottilal Saini, aged 33 years, Railway Quarter, Mahamandir, (Posted at Gang No.1)
6. Paramsukh S/o Shri Banwari Lal, aged 33 years, Railway Quarter, Section Jaisalmer, (Posted at Gang No.26)
7. Pankaj Kumar S/o Shri Nagina Prasad, 31 years, Railway Quarter, Marwar Bithadi, (Posted at Gang No.19)
8. Deepak Kumar S/o Shri Ram Dayal, aged 30 years, Railway Quarter, Phalodi, (Posted at Gang No.17A)
9. Deva Ram S/o Shri Gumna Ram, aged 24 years, Railway Quarter, Sirmandi, (Posted at Gang No.9)

10. Ajay Kumar S/o Shri Bejnath Mistri, aged 33 years, Railway Quarter, Pokaran, (Posted at Gang No.24)
11. Dinesh Choudhary S/o Shri Kapil Choudhary, aged 32 years, Railway Quarter, Phalodi, (Posted at Gang No.18)
12. Anil Kumar S/o Shri Hardev Pandit, aged 36 years, Railway Quarter, Phalodi, (Posted at Gang No.18)
13. Mahaveer Singh S/o Shri Ratan Singh, 49 years, Railway Quarter, Phalodi, (Posted at Gang No.22).

.....Petitioners

By Advocate: Mr. Jog Singh Bhati, present through VC.

Versus

1. Shri T.P. Singh, General Manager, North Western Railway, Jaipur (Raj.)
2. Shri Gautam Arora, The Divisional Railway Manager, North Western Railway, Jodhpur Division, Jodhpur (Raj.)
3. Shri Raghuveer Singh Charan, The Senior Divisional Personnel Officer, North Western Railway, Jodhpur (Raj.)
4. Shri Nagesh Kumar Meena The Assistant Divisional Engineer, North Western Railway, Jaisalmer (Raj.)

.....Respondents

By Advocate: Mr. Salil Trivedi, present through VC.

ORDER (ORAL)

Per Hon'ble Mrs. Jasmine Ahmed, Member (J)

Heard learned counsels for the parties.

2. An order was passed by this Tribunal on 11.05.2018 in OA No.147/2019, the operative portion of the order is quoted as under:-

"3. Keeping in view the limited prayer, the applicants are granted liberty to submit a supplementary representation with additional documentary evidence to the competent authority within two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the respondent shall consider the same along with the one at Annexure-A9 in accordance with law and pass a speaking order within a period six weeks thereafter."

3. Learned counsel for the petitioners states that in pursuance of the aforesaid direction, the applicants preferred/submitted the supplementary representation which is annexed at page No.15 as Annexure-CP.2, and the receipt of it also annexed at page No.18 as Annexure-CP/3. Learned counsel for the petitioners states that the order of this Tribunal is very clear in terms that the respondents were directed to decide the supplementary representation along with one at Annexure-A9 within a period of six weeks, after receiving the supplementary representation. But the respondents have failed to decide the supplementary

representation as submitted by the petitioners, hence, a wilful disobedience of the order of this Tribunal has been caused by the respondents. Therefore, the contempt is made out against the respondents in the present case.

4. Per contra, learned counsel for the respondents, Shri Salil Trivedi, states that the respondents have never received any copy of the OA at the first instance, hence, they have no idea that what was mentioned at Annexure-A9 of the OA, which was directed by this Tribunal to take into consideration while deciding the supplementary representation filed by the petitioners herein. It is also pointed out by the learned counsel for the respondents that so called supplementary representation at Page no.15 is not at all signed by any of the petitioners, even no date has been mentioned on it, hence, the same cannot be taken into consideration as the same has no veracity. Learned counsel for the respondents also states that in absence of direction followed properly by the petitioners themselves, the duty does not cast upon the respondents to decide the representation of the petitioners. He also states that the petitioners could have come

with a fresh OA before this Tribunal instead of invoking the provisions of contempt petition.

5. Learned counsel for the petitioners in reply to the argument of learned counsel for the respondents states that the petitioners have already provided a copy of OA along with Annexure-A9, hence, the respondents cannot take plea of not deciding the supplementary representation on that count.

6. We have heard the rival contentions of learned counsel for the petitioners as well as learned counsel for the respondents and also perused the documents which are available on record as of today.

7. From perusal of supplementary representation of the petitioners at page No.15 (Annexure-CP/2), it is seen that the said representation is addressed to General Manager, NWR, HQ Office, Jaipur, and the said representation runs in three pages, but there is no signature or name of the petitioners below the representation/letter, and even no date is being mentioned in the said representation. Hence, the veracity of Annexure-CP/2 representation itself is in question, and as the respondents are

bound to decide the representation within six weeks from the date of receiving it, in absence of any date reflects in the representation, it is not possible for them to decide the said representation within a time bound manner. We feel that in the absence of true compliance of the direction issued by this Tribunal on the part of the petitioners themselves, no duty is cast upon the respondents to decide the representation of the petitioners. Accordingly, we feel that the wilful disobedience, which the basic definition of a contempt petition, is not made out in present case. Therefore, the present Contempt Petition is dismissed and the notice issued to the respondents are discharged.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)

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