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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

CP No. 24/96

in

O.A. No. 177/87

New Delhi this the 19th day of February, 1996.

Hon'ble Mr. Justice P.K. Shyamsundar, Acting Chairman.

Hon'ble Mr. K. Muthukumar, Member(A).

Dr. R.K. Aggarwal,
Dy. Chief Medical Director,
Northern Railway, HQ Office,
Baroda House,
New Delhi.

..Petitioner.

By Advocate Shri B.S. Mainee.

Versus

1. Mr. G.K. Khare,
Member Staff and Secy. to Govt. of India,
Ministry of Railways,
(Railway Board),
Rail Bhawan,
New Delhi.

2. Shri S. Surya Nariana,
Secy. Railway Board,
Rail Bhawan,
New Delhi.

3. Shri V.K. Agarwal,
General Manager,
Northern Railway,
Baroda House,
New Delhi.

..Respondents.

ORDER (ORAL)

Mr. Justice P.K. Shyamsundar.

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We have heard the learned counsel for the petitioner. We see no reason to proceed further in the matter. We do not find any infraction of the direction given by the Tribunal disposing of O.A. No. 177/87 which is said to be the basis of the present contempt petition. In that case, there was no direction except to hold that the department

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will regulate the seniority of the applicant in accordance with the dicta laid down in The Direct Recruit Class II Eng. Officers' Ass. Vs. State of Maharashtra, JT 1990(2) SC 264.

If that had not been done, it was probably open to the applicant to say that the directions to the department have not been complied with. But that is not the complaint. What has been impressed upon is that in a later decision in O.A. 1603/87, there was a direction for preparation of a seniority list pertaining to some other people belonging to the same cadre. It is now urged that some people junior to the applicant have climbed above the applicant. The petitioner was not a party to that application. It is in the context of that application some seniority list appears to have been drawn up.

3. Be that as it may, if the applicant has any grievance against that order, he can pursue the same in a fresh proceeding but cannot assail by way of a contempt petition. The decision of the Full Bench in O.As 451 and 548/91, C.S. Elias Ahmed & Others Vs. Union of India & Others, referred to, is clearly distinguishable from the instant case in which the applicant derives

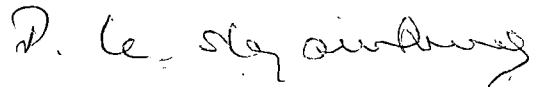
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no cause of action arising from the decision in O.A. 1603/87. The contempt alleged seeks to profile the department as defaulter in the light of the later judgement but we think that is impermissible.

4. In this view of the matter, we do not think it appropriate to proceed further in the matter and order to drop these proceedings.



(K. Muthukumar)
Member(A)



(P.K. Shyamsundar)
Acting Chairman

'SRD'