

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

CCP No.244 of 1993 In

O.A. 98 of 1987

New Delhi this the 22nd day of December, 1993

Mr. Justice S.K. Dhaon, Vice-Chairman  
Mr. B.N. Dhoundiyal, Member(A)

Shri Pramod Kumar Shukla  
Ticket Collector,  
Delhi<sup>N</sup>Railway Station.  
Delhi.

...Petitioner

By Advocate Shri A. Kalia

Versus

Shri Raj Kumar  
General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

...Respondent

By Advocate Shri H.K. Gangwani

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The complaint in this Contempt Petition is that the direction given by this Tribunal on 13.10.92 has not been and is not being complied with. The direction of the Tribunal is contained in paragraph 3 of its order. The Tribunal directed to dispose of the appeal of the petitioner within a period of 3 months from the date of communication of its order. It was made clear that if the petitioner feels aggrieved by the order of the appellate authority <sup>he</sup> could challenge the order of disciplinary authority and of the appellate authority by filing a fresh OA as directed in OA 98 of 1987 decided on 13.10.1992.

2. A counter-affidavit has been filed. To it, a true copy of the order of the appellate authority dated 29.06.88 has been annexed. A perusal of the same indicates that the appellate authority while disposing of the appeal of the petitioner modified the order of the punishing authority and substituted his own order by giving a punishment of censure. The original record has also been shown to us. The record contains the order of the appellate authority dated 29.06.88. In

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the circumstances, no justification exists for continuing with the contempt proceedings. Apparently, the Tribunal passed this order on 13.10.92 under some misconception as the order dated 29.06.88 was not brought to the notice of the Tribunal by the counsel appearing for the respondents.

3. It is difficult to record a finding on the material on record that the order of 29.06.88 was in fact communicated to the petitioner. Keeping in view the direction of the Tribunal referred to above, we make it clear now that it will be open to the petitioner to challenge the order of the appellate authority before an appropriate forum. The limitation for the purpose of challenging the order of the appellate authority will be computed from the date of service of the counter-affidavit on the petitioner.

4. With these directions, the Contempt Petition is disposed of and the notice issued to the respondent is discharged.

*B.N. Dhoundiyal*  
(B.N. DHOUNDIYAL)  
MEMBER (A)  
22.12.1993

*S.K. Dhaon*  
(S.K. DHAON)  
VICE CHAIRMAN  
22.12.1993

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