

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP No. 232/94 in OA No. 1038/89

NEW DELHI THIS THE 29TH DAY OF JULY, 1994.

MR. JUSTICE S.K. DHAON, ACTING CHAIRMAN
MR. B.N. DHOUNDIYAL, MEMBER(A)

Inder Singh
S/o Shri Gukul Chand
R/o 350-A,
Railway San Colony
Ghaziabad

PETITIONER

BY ADVOCATE SHRI G.D. BHANDARI.

Vs.

1. Shri Masih-uz-zaman,
General Manager
Northern Railway
Baroda House
New Delhi.
2. Shri R.N. Aga
Divisional Railway Manager
Northern Railway,
State Entry Road,
New Delhi

RESPONDENTS

ORDER

JUSTICE S.K. DHAON:

On 2.2.1981, the disciplinary authority passed an order removing the petitioner from service. It did so after recording a finding that it was not practicable to hold a departmental enquiry. Its order was upheld by the appellate authority on 14.5.81. Both the orders were impugned by means of OA No. 1038/89 decided on 11.2.1993. This Tribunal ordered:

" ...Accordingly the order of the disciplinary authority dated February 2, 1981 removing the petitioner from service with immediate effect and the order of the appellate authority dated 14.5.1981, upholding the penalty of removal from service are quashed. The respondents are further directed to hold enquiry in the case, if possible, in accordance with law with utmost expedition but preferably within six months from the date of communication of this order. We, however, do not pass any order regarding back wages. The parties shall bear their own costs."

2. The complaint in this contempt petition is that the aforequoted directions of this Tribunal have not been complied with. It is stated in the

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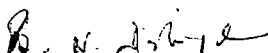
petition that although the petitioner has been reinstated in service, yet he has not been given the seniority, promotion, back-wages etc.


3. It is an admitted position that the disciplinary authority did not hold any further enquiry after the judgement dated 11.2.1993. Instead, it passed an order of reinstatement of the petitioner in service. It is implicit in the order of reinstatement as well as from the fact that no further enquiry was held, ^{that the} ~~and~~ /disciplinary authority must have felt that further proceedings were not possible.

4. The aforequoted order of the Tribunal merely quashed the order of removal from service. The order made it clear that the Tribunal declined to pass any order regarding back-wages. We do not find that, in fact, the Tribunal issued any positive direction to the respondents. In any view of the matter, the respondents have not wilfully disobeyed the directions, if any, as contained in the order dated 11.2.1993.

5. So far as the claim of seniority and promotion is concerned, that is a different matter. The petitioner, if so advised, and if the law so permits, agitate those questions by resorting to appropriate proceedings before an appropriate forum.

6. There is no substance in this petition. It is dismissed summarily.


(B.N.DHOUNDIYAL)
MEMBER(A)


(S.K.DHAON)
ACTING CHAIRMAN

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