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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.C.P. NO. 169/92 in
O.A. NO. 17/89

DECIDED ON : 22.5.1992

Shri M. A. Khan

... Petitioner

-Versus-

Chairman Railway Board & Ors.

... Respondents

CORAM : THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P. C. JAIN, MEMBER (A)

Shri S. K. Sawhney, Counsel for the Petitioner

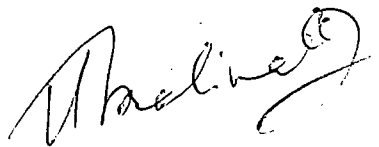
ORDER (ORAL)

Hon'ble Mr. Justice V. S. Malimath, Chairman :-

The direction in the judgment of the Tribunal was to reconsider the question of classification so as to do away with the anomaly of the type indicated therein. The respondents have now passed a considered order in the light of the directions of the Tribunal. They have said that after careful consideration of the various points advanced by the petitioners, they have decided to retain the existing classification. They have given reasons in support of this view of theirs. Shri Sawhney, learned counsel for the petitioner contends that the very anomalies which were pointed out in the judgment of the Tribunal still subsist and that there is no due regard for the observations of the Tribunal. It is, however, necessary to bear in mind that no mandamus was issued by the Tribunal to do a particular thing to classify in a particular manner. The direction is to reconsider meaning thereby they were required to apply their mind to the anomalies pointed out and to take a decision in the matter. That they have done. Whether their view is right or not, is not a matter which can give rise to action

being taken under the Contempt of Courts Act. We may, however, say that nothing prevents the petitioner from challenging, if so advised, the correctness of the decision rendered in appropriate proceedings. Hence, we decline to take action under the Contempt of Courts Act. This C.C.P. is accordingly dismissed.

Cec.
(P. C. Jain)
Member (A)


(V. S. Malimath)
Chairman

as