

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO. 31/1998

in

O.A. NO. 2109/1990

New Delhi this the 9th day of February, 1998

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

1. Prakash Chand Gupta
S/O Dewan Chand,
R/O 1/3021, Ramnagar,
Mandaoli Road, Shahdara,
Delhi.
2. Ashok Kumar Sharma
S/O Pt. Sain Dass Sharma,
R/O E-259, Greater Kailash-II,
New Delhi-110048.
3. Yash Pal S/O Lajpat Rai,
R/O 201/18 Gali Arya Samaj,
Pahlad Nagar,
Meerut City.

... Applicants

(By Shri P. M. Ahlawat, Advocate)

-Versus-

Shri S. P. Mehta,
General Manager,
Northern Railway,
Baroda House,
New Delhi.

... Respondent

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

Heard the learned counsel for the applicants on
the application for contempt.

2. By order dated 3.2.1997 in OA No. 2109/90,

Ym the respondents were directed to verify the number of

vacancies available in respect of Head Travelling Ticket Examiners in Delhi Division as on 1.1.1984. The learned counsel submits that this verification was done.

3. The next direction was in the event it was found that adequate number of vacancies of Head Travelling Ticket Examiners were available on that date then the applicants in the OA should be adjusted against those vacancies. The learned counsel fairly concedes that the respondents reported that no vacancies were available, but that finding was vitiated because of certain provisions contained in Railway Board Manual. Under these circumstances, we are of the view that the respondents cannot be punished for disobedience of any direction of the Tribunal. The only remedy now appears available to the applicants is to file a separate OA challenging the conclusion of the respondents that no vacancies were available.

4. Subject to the observations aforesaid, this contempt petition is summarily dismissed.

[Signature]

(K. M. Agarwal)
Chairman

[Signature]

(R. K. Ahooja)
Member (A)

/as/