

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 40/1997 IN
O.A. NO. 1045/1991

(20)

Wednesday, this the 12th March, 1997.

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

HON'BLE SHRI N. SAHU, MEMBER (A)

Jagroop Singh S/O Shri Shiv Singh,
R/O Village Meghura Marhi,
Distt. Aligarh (UP).

... Petitioner

(By Shri B. L. Madhok for Shri B. S. Mainee, Advocate)

-versus-

1. Shri Lalit Kumar Sinha,
General Manager,
North Eastern Railway,
Gorakhpur (UP).

2. Shri S. K. Chopra,
Divisional Railway Manager,
North Eastern Railway,
Izatnagar (UP).

... Respondents

(By Shri P. S. Mahendru, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal -

Contempt notices were issued against the respondents for non-compliance with the order of the Tribunal dated 19.10.1995 in O.A. No. 1045/1991. By that order respondents were directed to reinstate the applicant in service and to pay him full backwages for the period he was kept out from service on his submitting a certificate that he has not been profitably employed during the period in question (emphasis supplied). The learned counsel for respondents produced before us a copy of office order No. 1660 dated 5.3.1997 issued by the North Eastern Railway, and submitted that reinstatement and posting order has been issued in favour of the applicant. He further submitted that as per the direction of the Tribunal in O.

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A. No. 1045/1991 the backwages are to be paid to the petitioner on his submitting the certificate that he has not been profitably employed during the period in question. So far that certificate has not been filed and it is supposed to be filed when the applicant joins his duties in pursuance of the posting order aforesaid.

2. Learned counsel for the petitioner wanted time to verify if the petitioner had received the posting order and if he is satisfied with the order of posting made and the assurance given that on his joining and submitting the said certificate he would get his full backwages. However, it does not appear necessary to give time for ascertaining the said facts from the petitioner. If it turns out that the posting order is a fake order just to frustrate these proceedings or the assurance made about backwages is wrong, a serious view of the matter may be taken, if it is subsequently brought to the notice of the Tribunal. We are confident that no authority of the Government would go to the extent of filing any such fake order or make false statement as to payment or otherwise of backwages.

3. Learned counsel for the petitioner at this stage submitted that generally such orders are produced but not issued or served on the employees. We find no basis for such a statement, particularly when the order shows that copies have been directed to be issued to various authorities and the petitioner also. Any way, to ward off

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the apprehensions of the petitioner, we direct that if so advised, he may obtain a certified copy of this order and go and report on duty at Lal Kuan Station and if it is so done, he will be allowed to join his duties at Lal Kuan.

4 Accordingly, we direct these proceedings to be dropped forthwith. The rule nisi issued against the respondents stands discharged.

(K. M. Agarwal)
Chairman

(N. Sahu)
Member(A)