

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

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C.P.No.126 of 1994
in

O.A.No.1814 of 1991

Dated New Delhi, 29th April, 1994

Hon'ble Mr Justice S. K. Dhaon, Vice Chairman(J)
Hon'ble Mr B. K. Singh, Member(A)

Shri Kishan
S/o Shri Tej Ram
Loco Cleaner under Loco Foreman
Northern Railway, Lakshar

... Petitioner

By Advocate: Shri B. L. Madhok,
Proxy for Shri B. S. Mainee

VERSUS

1. Shri Masih-Uz-Zaman
General Manager
Northern Railway
Baroda House
NEW DELHI
 2. Shri A. K. Malhotra
Divisional Railway Manager
Northern Railway
MORADABAD
 3. Shri U.C. Gupta
Assistant Mechanical Engineer
Northern Railway
MORADABAD
- By Advocate: None present

... Respondents

ORDER
(Oral)

Mr Justice S. K. Dhaon, VC(J)

The grievance in this petition is that the interim order passed by this Tribunal on 17.2.92 has been flouted by Shri U.C. Gupta, Assistant Mechanical Engineer, Moradabad, respondent No.3.

2. The applicant approached this Court during the pendency of the disciplinary proceedings. On 17.2.92 an interim order was passed by this Tribunal to the effect that disciplinary proceedings may continue but final order shall not be passed till further orders. It appears to be an admitted position that on 18.8.93 Shri U. C. Gupta, respondent No.3, in violation of the interim order, passed an order of removal from

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(14)

service against the petitioner.

3. A perusal of the interim order passed by this Tribunal on 17.2.92 indicates that on that day no one appeared on behalf of the respondents. Barring oral averment that the learned counsel for the respondents duly received a certified copy of the interim order, there is no averment whatsoever, in this petition that he took notice of the said order and brought it to the notice of the concerned authority. Contempts ^{proceedings quasi} ~~are~~ criminal proceedings wherein persons can be held guilty only if it is proved beyond any doubt, that he wilfully disobeyed an order. This has not been done in the instant case and this shortcoming is fatal to this CCP.

4. The learned counsel states at the Bar that the OA No.1814/91 in which the interim order was passed by this Tribunal on 17.2.92 has become infructuous and the applicant will now take steps to challenge the legality of the order of 18.8.93 passed by the respondent No.3.

5. We are not inclined to issue any notice to the respondents. The CCP is rejected summarily.


(B. K. Singh)
Member (A)


(S. K. Dhaon)
Vice Chairman (J)

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