

Central Administrative Tribunal
Principal Bench: New Delhi

CP No.209/96
In
OA No.276/91

New Delhi this the 3rd day of September 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Harikishan
S/o Ramjilal Sharma
77, Saket Colony

Agra. ...Petitioner.

(By Sh. Sanjay Parik, advocate)

Versus

1. Mr. A.K.Banerjee
General Manager
Central Railway
Bombay (VT)
2. Mr R.N.Agha
Divisional Railway Manager
Central Railway, Jhansi
3. Mr S.C. Jethi
Senior DCM
Central Railway, Jhansi. ...Respondents.

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

This contempt petition arises out of order in OA No. 276 passed on 4.10.1991 as also the order passed in civil contempt petition No. 171/92 rendered on 27.7.92. The Original Application was disposed by order dated 4.10.91 with direction to the respondents to promote the petitioner to the post of Ticket Collector for which he was selected from the date the next junior person on the select list was promoted, on notional basis with actual benefit accruing to him from the date of actually taking over the position as Ticket Collector. It

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was also directed that in the matter of seniority and further promotion, the petitioner would be entitled to consequential benefits. Finding that the directions had not been complied with, the petitioner filed Contempt Petition No. 171/92 which was disposed of by order dated 27.7.92 with the following directions:

(i) The respondents shall treat the petitioner as having been promoted to the cadre of Ticket Collector as on the date his immediate junior was promoted. He shall, however, not be entitled to back wages.


(ii) The respondents shall give the wages of the Ticket Collector from this date onwards to the petitioner though his actual posting as a Ticket Collector shall be done only after the respondents give him the necessary training. Until the regular training is given to the petitioner, he shall continue in the job which he is doing but receive the salary of Ticket Collectors. No costs.

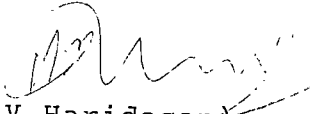
2. Pursuant to the above order, the respondents issued an order promoting the petitioner w.e.f. 18.12.92. Finding that the petitioner's seniority has not been properly shown in the seniority list, the petitioner caused a lawyer notice to be issued to the respondents on 18.1.96. Finding that this request of the petitioner made through the counsel has not been acceded to by the respondents inspite of reminders made, the petitioner has filed this CP alleging that action under the Contempt of Court Act may be initiated against the respondents for deying the order.

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3. We have heard the learned counsel and perused the petition and other materials placed on record.

4. We find from the allegation that the alleged contempt took place in the year 1992 by the respondents passing an order promoting the petitioner w.e.f. 27.7.92 that is the date of the order in CP. According to the directions contained in the order, he was to be promoted from the date his immediate junior was promoted. It is alleged in para 7 of the CP that the order promoting the petitioner w.e.f. 27.7.92 was in flagrant violation of the directions contained in the order, whereas the alleged contempt took place way back in the year 1992. The Tribunal is debarred from taking any action against the respondents under the Contempt of Court Act beyond the period of one year. Therefore, the CP is misconceived and no action under the Contempt of Court can now be initiated against the respondents. The learned counsel for the petitioner stated that if the action of the respondents could go unchallenged, that would be a negation of the relief conferred on the petitioner in the order of the Tribunal. We do not think so. Though in a CP, the Tribunal would not go into those details, it will be open for the petitioner to seek appropriate relief by way of directions to the respondents to give effect to the orders of the Tribunal. With liberty to the petitioner to seek appropriate relief in proper proceedings instituted in that behalf, this CP is dismissed.


(R.K. Ahooja)
Member (A)


(A.V. Haridasan)
Vice Chairman (J)

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