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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP No.76/2007
OA No.2943/2004**

New Delhi: this the 18th April, 2007

**Hon'ble Mr. Justice M. Ramachandran, Vice-Chairman (J)
Hon'ble Smt. Chitra Chopra, Member (A)**

P.L. Arora
S/o R.S. Gambhir
Now R/o 513, Kanoongo Apartment,
I.P. Extension, New Patparganj Depot,
Delhi-110091. ...Applicant.

(By Advocate: Shri H.P. Chakravorti)

Versus

Shri J.P. Batra
Chairman, Railway Board
Principal Secretary to Govt. of India
Ministry of Railways
Railway Bhawan, New Delhi. ...Respondent.

(By Advocate: Shri R.L. Dhawan)

ORDER (ORAL)

By Mr. Justice M. Ramachandran, VC(J):

An order was passed by a Bench of this Tribunal on 21.7.2006 whereby OA No. 2943/2004 filed by P.L. Arora, who is petitioner herein, had been allowed. Operative portion of the order reads as follows:

“15. Having regard to the facts and circumstances of the case as also the above discussion, Anneuxre A-1 dated 13.11.2003 is quashed and set aside with a direction to respondents to pass fresh detailed and speaking orders by taking into consideration applicant's representation dated 31.1.2000 made against

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respondents' notice dated 19.1.2000 and also keeping in view the observations made above. It is further directed that respondents shall implement the above directions expeditiously and preferably within a period of four months from the date of communication of these orders."

2. Present Contempt Petition has been filed pointing out that within the prescribed period, the respondents have not complied with the orders and, thus, there is contumacious disobedience of the orders passed by the Tribunal.


3. Notices had been issued. Respondents entered appearance and have also filed an affidavit of compliance along with orders dated 4.4.2007 & 11.4.2007, which are appended at Annexure R-1 (Colly.) Shri R.L. Dhawan, learned counsel appearing for the respondents, submits that though there is slight delay due to administrative reasons, but they have complied with the Tribunal's orders, therefore, contempt proceedings may be closed. He further states that the delay in passing the orders was neither deliberate nor intentional.

4. Shri H.P. Chakravorty, however, appearing on behalf applicant, refuted the submissions of the counsel for respondents stating that there is violation in complying with the directions issued by the Tribunal, as the observations made by the Tribunal have not been properly complied with. The applicant, who had been superannuated, apart from filing the present OA challenging withholding of his gratuity and the amount of his pension, which was also restricted for a period two years, had earlier filed OA No.

330/1997 before this Tribunal. Shri Chakravorty also cited paragraph 11 of the orders of the Tribunal, where it had been indicated that "therefore, holding that applicant had caused heavy loss to the Railways, when it was not a part of the charge at all, cannot be sustained in law." He submits that the observation has also been made in paragraph 14 of the orders as well. According to him, compliance of the orders passed now by the respondents is contrary to above findings, as the findings had attained the finality. We have closely examined the issue. This is especially a case where the court had not given any clear direction but have, in fact, given further opportunity for the Railway Administration to examine the issue with reference to the representation filed by the applicant, of course, keeping in view the observations made. But, at this stage, it will not be possible to hold that the observation made in the order of the Tribunal had attained finality in respect of the matter that the applicant had caused loss to the Railway Administration. However, taking notice of the circumstances of the case, we do not wish to enter into the findings with respect. We do not find here that there is a contumacious disobedience of orders of Court. It will be in the fitness of things that opportunity is reserved to the applicant to challenge the impugned order dated 11.4.2007. We also make it clear that it may be possible for the applicant to take whatever advantage in ^{line} ~~time~~ from the earlier order of the Tribunal in respect of the allegations of making loss to the Railway as incorporated in paragraph nos. 11 & 14 of the order passed by the Tribunal. We do not think it appropriate to continue with this

matter any further and the application is closed with liberty as any decision on merits will be outside the purview of our jurisdiction.

Respondents are discharged.


(Chitra Chopra)
Member (A)


(M. Ramachandran)
Vice-Chairman (J)

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