

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP No.484/2004
OA No.2137/2004

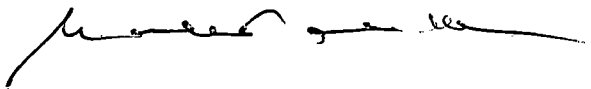
New Delhi, this the 19th May, 2005

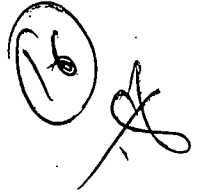
Hon'ble Mr. Justice M.A.Khan, Vice-Chairman (J)
Hon'ble Mr.S.A.Singh, Member(A)

1. Shri Jai Ram
S/o Bhagwan Din, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
2. Shri Istqak Ali
S/o Shri Farzand Ali, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
3. Shri Suresh Singh
S/o Shri Sankatha Singh, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
4. Shri Ram Samujh
S/o Shri Ram Bax Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
5. Shri Mahavir Prasad
S/o Shri Rma, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
6. Shri Hira Lal,
S/o Shri Sita Ram, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
7. Shri Bodh Raj,
S/o Shri Hori Lal, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
8. Shri Madan Lal,
S/o Shri Surjan Singh, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
9. Shri Anoop Singh

[Signature]

- S/o Shri Chattar Dhara Singh,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
10. Shri Ram Samujh
S/o Shri Triveni, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
11. Shri Nourang,
S/o Shri Ismael, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
12. Shri Shiv Shanker
S/o Shri Kali Prasad, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
13. Shri Jagir Chand
S/o Shri Dharam Chand, Black Smith
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
14. Shri Vijay Bahadur
S/o Shri Sukh Ram, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
15. Shri Bairaaj,
S/o Shri Dharam Singh, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
16. Shri Daud Ram
S/o Shri Kaday, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
17. Shri Dharampal,
S/o Shri Girhwar, Field Man
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
18. Shri Ram Singh
S/o Shri Ratirram, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
19. Shri Om Prakash
S/o Shri Hargu Lal, Mali,



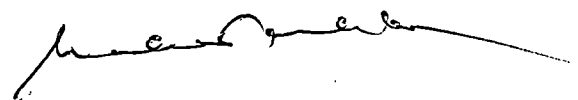


- CG-I, Under Dy. CAO/TA,
Northern Railway,
New Delhi.
20. Shri Manjupal
S/o Shri Ravi Pal, Khallasi,
Under Dy. CAO/TA,
Northern Railway,
New Delhi.
 21. Shri Ramji Lal
S/o Shri Hargu Lal, Mali,
CG-II, Under Dy. CAO/TA,
Northern Railway,
New Delhi.
 22. Shri Ram Phavry
S/o Shri Panchuram, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
 23. Shri Mahinder Singh,
S/o Shri Ram Sarup, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
 24. Shri Om Prakash
S/o Shri Ham Raj, Mali,
Under Sr. Section Engineer (Horticulture),
Northern Railway,
New Delhi.
 25. Shri Shiv Shanker Singh,
S/o Shri Satya Narayan Singh, Sr. Clerk,
Under Deputy Secy. G.M.,
Northern Railway, Baroda House,
New Delhi.
- ...Applicants.

(By advocate: Shri Amit Anand)

Versus

1. Shri R.R. Jaruhar,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Shri Pradeep Kumar Goyal,
Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. Shri Harinder Singh,
Sr. Section Engineer (Horticulture),
Northern Railway, State Entry Road,
New Delhi.
4. Ms. Tanu Chandra,
Sr. Divisional Finance Manager,



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Northern Railway, State Entry Road,
New Delhi.
(By advocate: Shri A.K. Shukla)

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...Respondents.

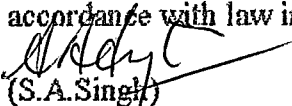
ORDER (ORAL)

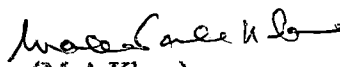
By Mr. Justice M.A.Khan:

At the hearing, it has been pointed out that in compliance with the order of this Tribunal dated 08.9.2004 in OA 2137/2004, the respondent (Divisional Railway Manager) has already passed an order-dated 25.1.2005 and as such the order of the Tribunal has been implemented and the contempt proceedings would not lie.

2. On the other hand, learned counsel for applicants has submitted that in the order passed by the respondents it is mentioned that no record is available with the respondents to take a decision in the matter. From the perusal of the order Annexure A-2, it appears that the DRM had allowed the applicant to approach him with any material or evidence, which he was in possession to substantiate his claim. Learned counsel for the respondents has submitted that in case some material and evidence is produced by the applicants before the Divisional Railway Manager, he will re-consider their case in accordance with rules, and the decisions in the matter will be communicated to them.

3. In view of this, learned counsel for the applicants has submitted that the applicants will approach the Divisional Railway Manager with evidence and material which are on their possession to enable the respondent to take decision in the matter. It is further submitted that the applicants be allowed to approach this Tribunal ^{and} to take any other available remedy in the facts and circumstances, in accordance with law including any action for contempt. Accordingly the present contempt petition is disposed of. Notice is discharged. Leave is granted to the applicants to approach this Tribunal again for redressal of their grievance in accordance with law in appropriate proceedings.


(S.A. Singh)
Member (A)


(M.A. Khan)
Vice-Chairman(J)

/kdr/