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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

CP NO. 490/2004
OA NO. 671/2004

This the 19th day of January, 2005

HON'BLE MR. JUSTICE M.A.KHAN, VICE CHAIRMAN (J)
HON'BLE MR. D.R.TIWARI, MEMBER (A)

Chandra Prakash
Son of Sh. Tilak Ram
Resident of 200/C-4, Railway Colony,
Basant Lane, Paharganj,
New Delhi-110055.

(By Advocate: Sh. O.P.Lohia)

Versus

1. Mr. Ashutosh Swami,
The Chief Personnel Officer,
Northern Railway,
Baroda House, New Delhi.
2. Mr. T.C.Chaudhary,
Senior Personnel Officer,
Northern Railway,
Baroda House,
New Delhi.
3. Mr. H.C.Punia,
Chief Commercial Manager,
Northern Railway,
Baroda House,
New Delhi.
4. Mr. P.K.Jain,
Manager Rail Yatri Niwas,
New Delhi.

(By Advocate: Sh. R.L.Dhawan)

ORDER (ORAL)

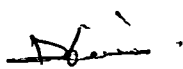
By Hon'ble Mr. Justice M.A.Khan, Vice Chairman (J)

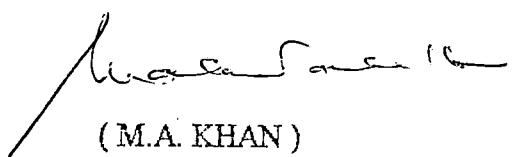
Application is filed for initiating proceedings under Contempt of Courts Act against the respondents for disobeying the order of the Tribunal dated 28.10.2004. It is submitted that the Tribunal by way of an interim order dated 28.10.2004 has ordered that "any selection made shall remain subject to final

outcome of the present OA". It is submitted that the respondents have proceeded with the selection and have also appointed the selected candidates. This is in willful disobedience of the above order.

2. We do not agree. The order dated 28.10.2004 passed in MA-576/2004 has since been confirmed by the separate order. Annexure SA-2 which was filed along with MA-2054/2004 showed that the selection was subject to the final outcome in the present OA.

3. Counsel for respondents has stated that the appointment of selected candidates is also subject to the final outcome of the present OA. The order of this Tribunal dated 28.10.2004 did not prohibit the respondents from selecting candidates and appointing them. It directed that selection and the appointment would be subject to the final order passed in the OA. Now the candidates have been selected and their appointment is subject to the final order passed in the OA. Accordingly, we do not find that the applicant has committed any contempt of the order of the Tribunal dated 28.10.2004 for which action under Contempt of Courts Act may be taken against them. We find no merit in the application. CP is dismissed.


(D.R. TIWARI)
Member (A)


(M.A. KHAN)
Vice Chairman (J)

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