

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

C.P. No. 13/98
in
O.A. No. 467/92

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New Delhi this the **12th** Day of May 1999

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri N. Sahu, Member (A)

Shri Shri Niwas Verma, Petitioner

(By Advocate: Shri B.S. Mainee)

Versus

1. Shri S.P. Mehta,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Shri K.R. Mehra,
Chief Administrative Officer (Constn.),
Northern Railway,
Kashmeri Gate,
Delhi.
3. Shri Mukesh Garg
The Dy. Chief Engineer (Constn.),
Northern Railway,
Tilak Bridge,
New Delhi.

(By Advocate: Shri P.S. Mahendru) Respondents

ORDER

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

We have seen the records and heard Shri B.S. Mainee, learned counsel for the petitioner in C.P. 13/98 and Shri P.S. Mahendru, learned counsel for the respondents. The main contention of Shri B.S. Mainee, learned counsel is that the respondents have wilfully flouted the orders of the Tribunal dated 6th May 1997 in O.A. No. 467/92 inasmuch as they have not regularised the services of the petitioner as "Mason Mistry" but have only done so against the post of Mason. In the additional affidavit filed by the

- 10 - 12.5.1999 they have clarified that

(31)

(RPS); that the post of Mason^{is} sometimes described as 'Mason' Mistry', 'Mistry' being the Hindi version of the word "Mason" which also carries the same grade of Rs. 950-1500 (RPS). We note that in furtherance of the Tribunal's order dated 6.5.1997, the respondents have^{is} issued an order regularising the services of the petitioner in the post of Mason in the grade Rs. 950-1500/RPS w.e.f. 3/95 and fixing his lien in terms of paragraph 2007(3) of IREM Volume II.

2. After considering the submissions made by the learned counsel for the parties and the record, we ~~are~~^{is} fully satisfied that this is not a case where a prima facie case has~~e~~^{out} been made₂ by the petitioner for proceeding further against the respondents under the provisions of Contempt of Courts Act, 1971 read with Section 17 of the Administrative Tribunals Act, 1985. The respondents have submitted that in proper implementation of the Tribunal's order, they had to obtain the necessary particulars from the concerned offices which took sometime before passing the order regularising the service of the petitioner as Mason.

3. In view of the above facts and circumstances of the case, CP 13/98 is dismissed and notices issued to the alleged contemners are discharged.

Narasimhaiah
(N. Sahu)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)