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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 116/94
in
O.A. NO. 647/92

New Delhi this the 25th day of October, 1994

THE HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
THE HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Mehar Chand S/O Dula Ram,
Ex Guard, Railway Colony,
Rewari Distt. (Haryana).

... Applicant

By Advocate Shri V. P. Sharma

Versus

1. Shri Masihuzzaman,
General Manager,
Northern Railway,
New Delhi.
2. Shri J. S. Bathla,
Divl. Railway Manager,
Northern Railway,
Bikaner (Raj.)

... Respondents

By Advocate Shri R. L. Dhawan

O R D E R (CHAL)

Shri Justice S. C. Mathur —

The applicant alleges disobedience by the respondents of this Tribunal's judgment and order dated 9.2.1993 in O.A. No. 647/92, in which the applicant was one of the applicants.

2. The relevant portion of the aforesaid judgment reads as follows :-

".....In our opinion, the respondents should not deny absorption to the applicants on the ground that they do not fulfil the minimum educational qualifications ignoring the aforesaid instructions issued by the Railway Board. The applicants should be absorbed as Guards against the available vacancies and vacancies arising in future in the direct recruitment quota. The learned counsel for the applicant stated that there are vacancies existed from 1989 onwards. The application is disposed of on the above lines." (emphasis supplied).

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3. In the earlier portion of the judgment, reference has been made to the Railway Board's circular dated 21.4.1989, which dispensed with the minimum educational qualification, but insisted on the criterion of medical fitness.

4. In the counter affidavit filed on behalf of the respondents, it has been pointed out that the O.A. was decided on 9.2.1993 but prior to that date, the applicant had already retired on 31.12.1992, and, therefore, there was no occasion to send him for medical fitness.

5. This Tribunal did not direct absorption of the applicant on the post in question with effect from an anterior date. The emphasised portion of the judgment clearly brings out that it was to operate prospectively.

6. The applicant should have in all fairness brought it to the notice of the Bench that he had already retired from service. He is in fact guilty of suppressing material facts.

7. In view of the above, the contempt application is dismissed with costs to the respondents, which are assessed at Rs. 500/-. Notice issued is discharged.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

S. C. Mathur

(S. C. Mathur)
Chairman

/as/