

Central Administrative Tribunal
Principal Bench, New Delhi.

CP-327/94 in
OA-589/92

New Delhi this the 9th Day of January, 1995.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri Prabir Das,
R/o E-8/E, DDA Flats,
Munirka,
New Delhi-67.

Petitioner

(through Ms. S. Janani, advocate)

versus

1. Sh. Masih-Uz-Zaman,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Shri N.N.S. Rana,
Chief Personnel Officer(IR),
Northern Railway Hqrs.,
Baroda House,
New Delhi.

(through Sh. R.L. Dhawan, advocate)

ORDER(ORAL)
delivered by Hon'ble Mr. Justice S.K. Dhaon, V.C.(J)

The complaint is that the respondents are wilfully disobeying the directions of the Tribunal contained in its judgement dated 23.03.1994. Hence, they are liable to be dealt with in terms of Contempt of Court Act.

The direction, as material, in substance, is that the respondents should treat the case of the petitioner for being given an ad hoc promotion as a Welfare Inspector in accordance with the guidelines dated 21.1.1993 and a speaking order should be passed in that behalf within a period of two months from the date of receipt of the order.

(S)

(25)

A counter-affidavit has been filed. To it, a copy of the order dated 7.10.94 purported to have been passed by the General Manager(P) has been filed. It appears that the petitioner is facing a criminal trial with respect to an offence of bribery. The trial is going on since February, 1987. It is not the case of either parties that the decision in the trial is being delayed on account of the delaying tactics adopted by either party. It is unfortunate that even criminal trial take such a long time in the Court.

We are satisfied from a reading of the order dated 7.10.1994 that an attempt has been made to give reasons. The reason given is that the possibility of the applicant in accepting illegal gratification from staff whose grievances he has to solve or from whom he may have to do some welfare works, cannot be ruled out. It is emphasised that such a possibility is greater when the applicant is facing a regular trial. We have looked into the guidelines dated 21.1.1993 and it appears to us that though a specific reference has not been made to the guidelines in the order dated 7.10.94, the same have been kept in view while passing the order. Under these circumstances, we are unable to record a finding that the respondents are wilfully disobeying the directions of this Tribunal.

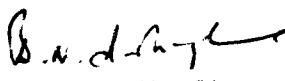
We make it clear that any observation made by us in this order will have no impact whatsoever upon the proceedings, if taken, by the applicant for

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challenging the legality of the aforesaid order refusing to give him an ad hoc appointment as a Welfare Inspector.

The net result is that the contempt petition cannot proceed. It is dismissed. Notices issued to the respondents are discharged.

No costs.


(B.N. Dhoundiyal)

Member(A)


(S.K. Dhaon)

Vice-Chairman

/vv/