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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P. NO. 372/94
IN
O.A. NO. 2019/92

New Delhi this the 22nd day of December, 1994

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI S. R. ADIGE, MEMBER (A)

Shri Raj Kumar,
R/O A/1/12, Netaji Subhash Marg,
East Babarpur,
Shahdara, Delhi-32.

... Applicant

(By Advocate Shri D. N. Goburdhun)

Versus

1. Shri Masihuzzaman,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Shri Budh Prakash,
Chief Engineer (C),
Northern Railway,
Kashmiri Gate, Delhi.
3. Shri K. K. Gupta,
Deputy Chief Engineer (C),
Northern Railway,
Shivaji Bridge,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice S. C. Mathur -

The applicant alleges disobedience by the respondents of the Tribunal's judgment and order dated 18.8.1993 passed in O.A. No. 2019/92.

2. The material direction issued in the Original Application reads as follows :-

".....Accordingly we order and direct the respondents to review the promotions made to the grade of MCC/Clerk during the period in question and in case any of his junior has been promoted as MCC/Clerk on adhoc basis, the petitioner shall also be

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17

accorded promotion retrospectively w.e.f. the date his junior was promoted on adhoc basis and who continued in the grade uninterruptedly. We further direct that the respondents shall determine the date of promotion of the petitioner in compliance with the aforesaid direction as early as possible and preferably within a period of 3 months from the date of communication of this order...."

3. Alleging disobedience by the respondents, the applicant filed C.P. No. 99/94. This application was rejected by order dated 12.7.1994 in which the Bench observed that the judgment of the Tribunal had been substantially complied with. The applicant filed review application against this judgment which was rejected by order dated 2.11.1994. Once this Bench has taken the view that the judgment of the Tribunal has been complied with, there is no occasion for the applicant to make repeated contempt applications. The present application is accordingly misconceived.

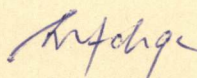
4. Learned counsel for the applicant submitted that the order dated 12.7.1994 was passed in the absence of the applicant or his counsel as they could not put in appearance under the impression that the respondents would pray for time as copy of the counter affidavit had not been served upon them. Failure of the respondents to serve copy of the counter affidavit was no ground for the applicant to remain absent from the proceedings. Applicant's absence could result in dismissal of the application in default of appearance also. Further, it is not

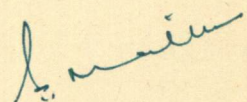
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18

the case of the applicant that he was absent even when the judgment dated 2.11.1994 was passed. In this judgment also the applicant's grievance of juniors having been promoted has been discussed and the applicant's plea has been negatived.

5. In view of the above, the application lacks merit and is hereby dismissed.


(S. R. Adige)
Member (A)


(S. C. Mathur)
Chairman

/as/