

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 12TH DAY OF SEPTEMBER 1997

Contempt petition No. 25 of 1996

In

Original Application No. 1814 of 1994

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR.S.DAS GUPTA, MEMBER(A)

L.K. Puri, S/o L.N. puri
E.T.L.N Railway, Kanpur Central, R/o 758-C
New Railway Colony Kanpur

.. .. Applicant

(By Advocate Shri Ram Sumer Mishra)

Versus

1. V.K. Agarwal, General Manager
Northern Railway, Baroda House,
New Delhi.
2. M.N. Chopra, D.R.M. railway
Allahabad.

.. .. Respondents

(By Advocate Shri S.K. jaiswal)

O R D E R(Oral)

HON.MR.JUSTICE B.C.SAKSENA,V.C.

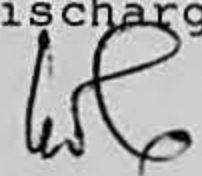
When the case was called out no one has responded on behalf of the applicant. We have heard the learned counsel for the respondents Sri S.K. Jaiswal and have been gone through the pleadings on record.

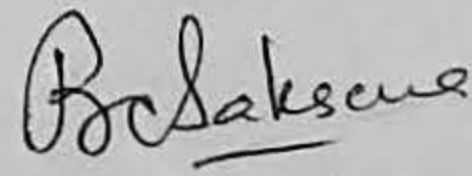
2. It appears that the applicant had earlier filed OA 1814/94 which was decided by an order passed on 17.4.95. By the said order in the OA the respondents were directed to consider the representation of the applicant and to dispose of the representation by a speaking order within a period of three months.

3. In the counter affidavit the respondents have stated that they had not received the representation. Subsequently on coming to know about the order the matter was considered and in the light of the directions issued by the Tribunal the

opp. party no.2 had decided the matter and the representation were duly considered and disposed of by a speaking order which is annexed as Annexure 1 to the counter affidavit.

4. The applicant in ~~their~~^{his} rejoinder affidavit challenges ^{on merit} the correctness of the order passed on the representation. In view of the recent Supreme court decisions in a contempt petition the validity of the order if any passed pursuant to the direction given by the Tribunal cannot be adjudged. For that purpose a fresh cause of action arises and the order that has been passed on the representation can ^{be} challenged through an OA because in an OA only a judicial review of the order passed by the authority can be ~~challenged~~^{done}. In contempt petition the Tribunal would have to see whether there has been any willful disobedience with the compliance of the directions of the Tribunal. As noted hereinabove the directions were complied with ^{and} a speaking order ~~was~~^{has} been ~~passed~~^{passed} we are satisfied that there is no willful disobedience by the respondents to comply with the directions given by the Tribunal. The contempt petition therefore fails and is rejected. Notice issued to the respondents are discharged.


MEMBER(A)


VICE CHAIRMAN

Dated: 12th September, 1997