

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Contempt Application No. 90 of 1997

In

Original Application No. 1642 of 1994

alongwith

Civil Contempt Application No. 91 of 1997

In

Original Application No. 1643 of 1994,

Civil Contempt Application No. 92 of 1997

In

Original Application No. 1644 of 1994,

Civil Contempt Application No. 88 of 1997

In

Original Application No. 1645 of 1994,

Civil Contempt Application No. 89 of 1997

In

Original Application No. 1646 of 1994,

Civil Contempt Application No. 93 of 1997

In

Original Application No. 1647 of 1994,

Civil Contempt Application No. 94 of 1997

In

Original Application No. 1648 of 1994,

Civil Contempt Application No. 95 of 1997

In

Original Application No. 1649 of 1994,

Civil Contempt Application No. 22 of 1998

In

Original Application No. 1650 of 1994.

Civil Contempt Application No. 97 of 1997

In

Original Application No. 1651 of 1994

Civil Contempt Application No. 98 of 1997
In
Original Application No. 1652 of 1994

Allahabad this the 10th day of January, 2001

Hon'ble Mr.S. Dayal, Member (A)
Hon'ble Mr. S.K.I. Naqvi, Member (J)

C.C.A. 90/97 in O.A. No. 1642 of 1994

Arvind Kunar a/a 35 years, son of Sri C.D. Kumar,
Resident of 662-A, Loco Colony - 9 Sardar Patel
Marg, Allahabad.

Applicant

By Advocates Shri Sudhir Agrawal
Shri R.M. Saggi

C.C.A. 91/97 in O.A. No. 1643 of 1994

Atul Kashyap, a/a 31 years, Son of Sri N.S.Kashyap,
Resident of 671 D, Smith Road, Railway Colony,
Allahabad.

Applicant

By Advocates Shri Sudhir Agrawal,
Shri R.M. Saggi

C.C.A. 92/97 in O.A. No. 1644 of 1994

Sailendra Kunar Sriwas, aged about 32 years, S/o
Sri Ran Sewak Sriwas, R/o 97/234, Jayanti pur,
Preetam Nagar, Sulemsarai, Allahabad.

Applicant

By Advocates Shri Sudhir Agrawal,
Shri R.M. Saggi

C.C.A. 88/97 in O.A. No. 1645 of 1994

Jai Narain, aged about 36 years, Son of Sri Ram
Dav, Resident of 2/92-A, Rama Nand Nagar, Allahapur,
Allahabad.

Applicant

By Advocates Shri Sudhir Agrawal
Shri R.M. Saggi

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C.C.A. 89/97 in O.A.No. 1646 of 1994

R.K. Abbhi, aged about 32 years, Son of Sri G.S. Abbhi, resident of 656, D-Loco Colony, Allahabad.

Applicant

By Advocates Shri Sudhir Agrawal,
Shri R. I. Saggi.

C.C.A. 93/97 in O.A. No. 1647 of 1994

Harish Chandra Yadav, aged about 32 years, S/o Kallu Ran, resident of 794, Railway Colony, Chau-fataka, District Allahabad.

Applicant

By Advocates Shri Sudhir Agrawal,
Shri R. I. Saggi.

C.C.A. 694/97 in O.A. No. 1648 of 1994

Shiv Prasad Shukla, aged about 34 years, Son of Sri Ran Dularey Shukla, resident of 59, Old Allahpur, Allahabad.

Applicant

By Advocates Shri Sudhir Agrawal
Shri R. I. Saggi.

C.C.A. 95/97 in O.A. No. 1649 of 1994

Lalit Mohan Dubey, aged about 31 years, S/o Madan Mohan Dubey, R/o 201 Pura Baldi Kydganj, Allahabad.

Applicant

By Advocates Shri Sudhir Agrawal,
& Shri R. I. Saggi.

C.C.A. 96/97 in O.A. No. 1650 of 1994

Rajneesh Kumar Singh, aged about years, S/o Heera Mani Pd. Singh, R/o 178 Mahhajpur, Alld.

Applicant

By Advocates Shri Sudhir Agrawal
Shri R. I. Saggi.

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C.C.A. 97/97 in O.A.No. 1651 of 1994

OM PRAKASH SHUKLA, Son of Sri Thakur Prasad Shukla,
Resident of Village Basaunhi, P.O. Manjhanpur(Korro),
Distt.Allahabad.

Applicant

By Advocates Shri Sudhir Agrawal,
Shri R.M. Saggi

C.C.A. 98/97 in O.A.No. 1652 of 1994

Brijesh Kumar Singh, Son of Sri Raj Dev Singh,
Resident of B-1610, Kareli Scheme , Allahabad.

Applicant

By Advocates Shri Sudhir Agrawal,
Shri R.M. Saggi.

Versus

1. M.N. Chopra, Divisional Railway Manager,
Northern Railway, Allahabad.
2. Km.Gauri Saxena, Senior Divisional Commercial
Manager, Northern Railway, Allahabad.
3. B.K. Sinha, Senior Divisional Personnel Officer,
Northern Railway, Allahabad.
4. D.P. Singh, Divisional Commercial Manager,
Northern Railway, Allahabad.
5. Shanti Narain, General Manager(Personnel),
Northern Railway, Headquarter, Baroda House,
New Delhi.

Opp.PARTIES in all the
C.C.As

By Advocate Shri B.B. Paul

O R D E R (Oral)

BY Hon'ble Mr.S. Dayal, Member (A)

These contempt applications have been
filed for proceeding against the opposite parties
for wilful and deliberate disobedience of directions

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given in order dated 04.11.1996 passed in O.A.No. 1642 to 1652 of 1994. We have heard Shri Sudhir Agrawal, learned counsel for the applicants and Shri B.B. Paul, learned counsel for the respondents in all the contempt applications. Learned counsel for the applicants mentions that the respondents have filed a counter-affidavit in which order dated 02nd January, 2001 has been annexed, by which ten of eleven applicants have been engaged as Substitute Porter/ but, the applicants should have been engaged as Ticket Collectors instead of which they have been engaged as Substitute Porter, is subject to condition when the occupant of the post returned from leave or on account of any other reasons. He states that as per the order dated 25.10.1999 passed on misc.applications in O.A.No.1642 to 1652 of 1994, the minimum compliance required was of treating the applicants as casual labour with temporary status because they had worked for more than 2 years, which is not apparent from the order dated 02.1.2001.

2. Shri B.B. Paul, learned counsel for the opposite parties has drawn attention to affidavit of compliance filed on 13.10.2000, in which order dated 10.10.2000 is annexed, by which the competent authority had permitted the appointments of the applicants in O.A.No. 1642 to 1652 of 1994, in Group 'D' as Casual Labour in C.P.C. Scale/Porter. Pursuant to

that the applicants have been given appointment letters dated 26.12.2000, by which they have been appointed as Temporary/Substitute Porters. Learned counsel for the opposite parties states at bar that this appointment has been made pursuant to order dated 10.10.2000 of the A.P.O. and has been made on regular basis to a Group 'D' post and no further screening of the applicants would be required for appointment to Group 'D' post and this would be subject to ^{order in} Writ Petitions pending in High Court of Allahabad and Hon'ble Apex Court. if any, relating to this matter.

3. In view of the position made above, it is now clear that no contempt of the order survives. The contempt proceedings are, therefore, dropped and notices issued, are discharged.

4. This order shall not apply to C.C.A.91 of 1997 in O.A.No.1643 of 1994 because the applicant Shri Atul Kashyap is reported to have died in June, 2000 and the order with regard to him does not survive.

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Manager, Northern Railway, Allahabad.
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Northern Railway, Allahabad.
4. D.P. Singh, Divisional Commercial Manager,
Northern Railway, Allahabad.
5. Shanti Narain, General Manager(Personnel),
Northern Railway, Headquarter, Baroda House,
New Delhi.

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3. In view of the position made above, it is now clear that no contempt of the order survives. The contempt proceedings are, therefore, dropped and notices issued, are discharged.

4. This order shall not apply to C.C.A.91 of 1997 in O.A.No.1643 of 1994 because the applicant Shri Atul Kashyap is reported to have died in June, 2000 and the order with regard to him does not survive.