

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 15th day of October, 1999.

CORAM : Hon'ble Mr.S.Dayal, Member(A)
Hon'ble Mr.Rafiq Uddin, Member(J)

CIVIL CONTEMPT PETITION NO.80 OF 1997
(Arising out of O.A. No. 14 of 1996)

ALONGWITH

CIVIL CONTEMPT PETITION NO.99 OF 1997
(Arising out of O.A.No.1107 of 1995)

1. Hari Narain Pandey, S/o. Mahesh Narain Pandey
2. Brij Kumar Sahu S/o. Late Devtadeen Sahu
3. Pawan Kumar S/o. Shambhu Nath
4. Radhey Shyam Verma S/o. Bhaiya Ram Verma
5. Mohammad Ansari S/o. Abdul Samad Ansari
6. Mahendra Kumar S/o. Bahadur Lal
7. Deen Dayal Sharma S/o. Ram Narain Sharma
8. Kailash Chandra S/o. Guljari Lal
9. Avinash Chandra Misra S/o. Daya Shanker Mishra
10. Om Prakash Nishad S/o. Ram Kishun Nishad
11. Mehi Lal S/o. Ram Sukh
12. Jabar Singh S/o. Ram Singh
13. Sangam Lal S/o. Jagdev Prasad
14. Parmatma Nand Tewari S/o. Mahendra Nath Tewari
15. Ram Chandra Gupta S/o. Bhullan.
16. Santosh Singh S/o. Sohan Singh.
17. Shiv Shanker Patel S/o. Bhairo Lal.
18. Kripa Shanker Pandey S/o. Mata Pd.

all applicants working under DRM, Northern Rly.,
Allahabad against Superneumary post.

.....Petitioners in
CCP No.80/97 in
OA No.14/96.

(By Shri R.P.Srivastava, Advocate)

AND

1. Dinesh Prasad Maurya S/o. Sri Ram Bahadur
2. Umesh Chand Sharma, S/o. Sri Jagmohan Sharma

3. Krishna Gopal S/o. Sri Sukhbir Singh.
4. Alauddin, S/o. Sri Josan Ali.
5. Brij Lal Kushwaha, S/o. Sri Ram Prasad
6. Lal Pratap Singh S/o. Sri Harmendra Singh
7. Narendra Singh, S/o. Sri Sohan Lal,
8. Krishna Chand Singh, S/o. Sri Yashwant Singh
9. Ram Shankar, S/o. Sri Jhandu Lal,

all Khalashi working under SEN/TT/Line/New Delhi & CPOH/SFG/ALD.

..... Petitioners in
CCP No.99/97 in
OA No.1107/95.

(By Shri R.P.Srivastava, Advocate)

VERSUS

1. Shri S.P.Mehta, General Manager, Northern Railway, HQ, Baroda House, New Delhi.
2. Sri Pramod Kumar, Chief Engineer (TSP), Northern Rly, HQ, Baroda House, New Delhi.
3. Sri Pawan Kumar Goel, Deputy Chief Engineer, Concrete Sleeper Plant, Northern Railway, Subedarganj, Allahabad.
4. Sri Arun Kumar Singh, Senior Engineer, Concrete Sleeper Plant, Northern Railway, Subedarganj, Allahabad.

.....Contemnors/Respondents
in CCP No.80/97 in
OA No.14/96 and
CCP No.99/97 in
OA No.1107/95.

(By Shri A.K.Gaur, Advocate)

O R D E R (Reserved)

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

These contempt petitions have been filed for starting proceedings for contempt against the opposite parties and punishing them for deliberate disobedience of the joint orders of the Tribunal dated 6-11-96 in O.A.No.14 of 96 and 1107 of 95. The respondents were directed in the order to strictly adhere to the guidelines contained in Northern Railway Headquarters order

dated 29-8-95 in deciding redeployment of Surplus personnels outside C.S.P. at Subedarganj. The employees who were recruited by C.S.P. were to be considered at par with the employees who came on deputation but whose lien got extinguished. If both were exceeding the number to be retained, the retention would be on the basis of Station Seniority.

2. We have considered the averments of learned counsels.

3. No facts are contained in the Contempt Petitions nor in the order of the Tribunal dated 6-11-96 as to whether any persons junior to the applicants whose liens have been extinguished have been retained in C.S.P. The applicant in Supplementary Affidavit merely assert that if Station Seniority list had been prepared, they would not have been transferred outside and that they should be brought back to Concrete Sleeper Plant after Station Seniority list is prepared.

4. We find no directions in the order of the Tribunal dated 6-11-96 that Station Seniority list should be prepared. There is no averment of the applicants in their Supplementary Affidavit that instructions dated 29-8-95 required the preparation of such Station Seniority list. The annexures A-1 and A-2 to the Contempt Petition show that the applicants are contesting their status as well as their seniority. There is no direction in order dated 6-11-96 that their status and seniority should be determined first and then deployment of surplus staff should have been done.

5. We find nothing in the averments of the applicants beyond mere assertion that juniors have been retained and seniors have been transferred to counter the claim of the opposite parties that they have complied with the requirements of the order dated 29-8-95.

6. Under the circumstances no case for deliberate disobedience of order dated 6-11-96 is made out. The notices issued to the opposite parties are discharged and the petitions for contempt dismissed.

D. S. Reddy
MEMBER (J)

[Signature]
MEMBER (A)

/satya/