

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH , ALLAHABAD.

Allahabad this the 08th day of November, 2001.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava , A.M.

Civil Contempt Application No. 06/1997.

IN

Orginal Application No. 702/1995.

Girraj S/o Sri Pitamber R/o Village Nawalpur
Post Mehrara, Tahsil Sadabad Distt. Mathura.
At present posted on the post of Mate under
Permanent Way Inspector, Head Quarter,
Northern Railway, Tundla.

.....Applicant

Counsel for the applicant :- Sri Satish Dwivedi
Sri Anil Dwivedi

V E R S U S

1. Sushil Kumar Maurya, Assistant Engineer,
Head Quarter, Northern Railway, Tundla.
2. R.P. Shukla, Permanent Way Inspector,
Head Quarter, Northern Railway, Tundla.

.....Respondents

Counsel for respondents :- Sri G.P. Agrawal

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

This application under section 17 of the
Administrative Tribunals Act, 1985, has been filed
to punish the respondents for committing contempt of
this Tribunal's order dated 21.08.1996 passed in
O.A No. 702/1995.



2. The facts in short giving rise to this application are that applicant Girraj was serving as Mate in Railway. By order dated 05.07.1995, applicant was reverted as ^{at gangman} ~~Mate~~ aggrieved by which he filed O.A No. 702/95. The O.A was finally ^{disposed of} with the following direction :-

"The total period of applicant officiating as Mate till the date of filing of the application was almost 11 years. Under the circumstances the impugned order of the Divisional Engineer (HQ), Northern Railway, Tundla, treating the applicant as Gangman without appointing some body who was senior or regularly promoted to the post of Mate in place of the applicant can not be upheld and has to be struck down. The respondents shall have right to replace the applicant by an employee who is senior or who is regularly promoted to the post of Mate after obtaining recommendations of the Departmental Promotion Committee. Thus application succeeds to the extent mentioned in the last sentence. "

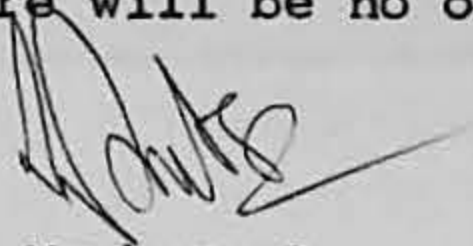
3. The grievance of the applicant is that though he sent the copy of the order by registered post on 02.09.1996 alongwith representation dated 02.09.1996, he was not allowed to join as Mate. It can not be disputed that order dated 05.07.1995 was passed by Divisional Engineer, Northern Railway, Tundla and he was the competent authority to re-instate the applicant as Mate but in the present Contempt application, Divisional Engineer has not been made party. Only, Sushil Kumar Maurya, Assistant Engineer and R.P. Shukla, Permanent Way Inspector have been impleaded. For this reason only, this contempt application is liable to be dismissed. As the appropriate authority who was competent to pass the order, has not been impleaded,



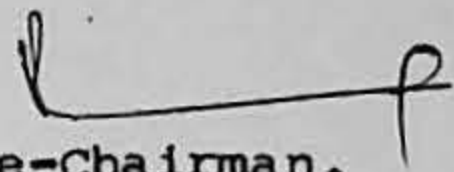
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the contempt application is dismissed. Notices
issued to the respondents are discharged.

4. There will be no order as to costs.



Member- A.



Vice-Chairman.

/Anand/