

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 11th day of November, 1999.

CIVIL CONTEMPT PETITION NO.61 OF 1997

IN

Original Application No.847 of 95

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

Anand Kumar Khare,
S/o. Late Sri S.P.Khare,
R/o. 463-B/1,
Harsh Wardhan Nagar,
Meerapur,
Allahabad.

.....Petitioner

(By Shri R.P.Srivastava, Advocate)

Versus

1. Sri S.P.Mehta,
General Manager,
Northern Railway,
New Delhi.
2. Sri M.N.Chopra,
Divisional Railway Manager,
Northern Railway, Allahabad.
3. Sri B.K.Sinha,
Senior Divisional Personnel Officer,
Northern Railway, Allahabad.

..... Respondents/
Opp. Parties.

(By Shri A.K.Gaur, Advocate)

O R D E R

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

This contempt petition has been filed seeking
proceedings against the opposite parties for contempt

for wilfull disobedience of order dated 16-1-97 in original application No.847 of 1995.

2) By this order directions were given to consider the case of the applicant in the light of their own recommendations contained in the D.O. letter dated 14-12-88 and communicate decision taken thereon to applicant within a period of three months from the date of communication of the order.

3) The learned counsel for applicant and learned counsel for the opposite parties have been heard.

4) We have seen the correspondance with regard to the direction given by the Division Bench of this Tribunal and find that the Railway Board by their order dated 9-10-97 required the General Manager(P), Northern Railway to consider the case of the applicant. The final order to the applicant has ultimately ^{been} communicated by Divisional Railway Manager, Northern Rly., Allahabad dated June'11, 1998 to the effect that the benefit of promotion could not be given to the applicant.

5) Learned counsel for the applicant states that the respondents were duty bound to give promotion to the applicant in terms of the directions of the Division Bench of this Tribunal. We have considered the direction given by the Division Bench and the requirement was for consideration of the case of the applicant and not for arriving at a decision favourable to the applicant. In case the respondents took any decision the applicant could claim his right on the basis of reply given to him.

contd..../3p

6) Learned counsel for the applicant has also drawn attention to Supplementary Counter Affidavit of Shri K.M.Narayan filed on 28-1-99 in which it has been mentioned in para-13 that it was wrong to state that the respondents are adamant not to implement the judgement of this Hon'ble Court, that the order was impossible of compliance and that the respondents would give promotion to the applicant if the Court so directs. We are of the view that it is not within ambit of contempt to issue such a direction. The direction has already been given by the Division Bench in the original application.

7) We are, therefore, of the view that no contempt of the order of the Tribunal has been made by the opposite parties. The contempt petition is therefore dismissed and the notices issued to the opposite parties are discharged.

Rajiv Madan
MEMBER(J)

[Signature]
MEMBER(A)

/satya/