

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

CONTEMPT PETITION NO. 09 OF 1997
(Arising out of O.A.No.254 of 96)

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

CORAM : Hon'ble Mr. S.Dayal, Member (A)
Hon'ble Mr. S.K.Agrawal, Member (J)

Gulab Chand, son of Late Sri Halley,
R/o. of Hassari,
Gwaltoli,
Jhansi. Petitioner

(BY Shri R.K.Nigam, Advocate)

Versus

1. Union of India through Ministry of Railway,
New Delhi.
2. Secretary, Railway Board, Rail Bhawan, New Delhi.
3. General Manager, Central Railway, Bombay VT.
4. Divisional Railway Manager, Central Railway,
Jhansi.

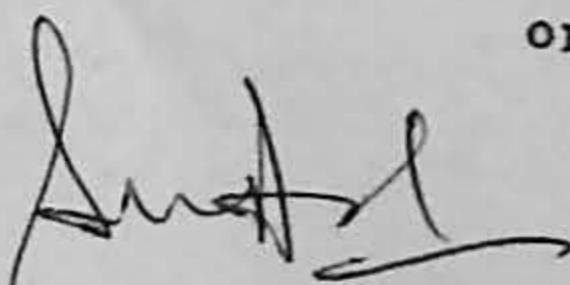
..... Respondents

(By Shri A.K.Gaur, Advocate)

ORDER (Reserved)

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

These contempt proceedings were initiated
against Divisional Railway Manager, Central Railway, Jhansi
by this Tribunal's order dated 15-11-96. The following
order was passed on 15-11-96 :-


"Sri S.Srivastava proxy counsel to Sri R.K.
Nigam learned counsel for the applicant. Learned
counsel for the applicant has drawn attention

to the order in OA No.403/89, in which the respondents were directed to take decision, giving compassionate appointment to the applicant no.2, thereafter, the case for contempt was filed and it was dismissed with the remarks with the DRM would take proper action within a reasonable time. No action has been taken by the DRM as yet. I, therefore, admit the OA and order that the respondent No.4 shall appear in person and explain as to why observation of the Court in contempt application No.154/94 in OA 403/89 as also the direction in OA 403/89 have not yet been carried out by him.

List this case for orders on 23-12-96."

2. Notice of personal appearance of respondent No.4 DRM, Central Railway, Jhansi was issued. Thereafter Misc. Application No.196/97 alongwith affidavit was filed to recall the order dated 22-11-96 and vide order dated 22-1-97 the personal appearance of respondent No.4 was exempted till the disposal of M.A. 196/97.

3. Heard the arguements of Sri R.K.Nigam for the applicant and Sri A.K.Gaur appearing for respondent No.4 and perused the whole record.

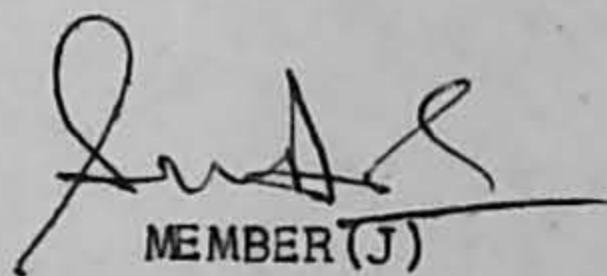
4. In the affidavit annexed to this recall application it appears that in O.A.No. 403/89 filed by Smt .Bhoga Bai this Tribunal directed the respondents vide order dated 5-8-92 to decide the representation of Smt . Bhoga Bai dated 9-6-88 by a reasoned and speaking order and the same was disposed off after conducting the necessary enquiry and information was also sent to the applicant, but the same was returned unserved due to her death. The applicant filed Contempt Petition No.154/94 and while dismissing the contempt petition this Tribunal held-

"Further action in the matter has now to be taken by D.R.M. Jhansi. It is expected that the D.R.M.

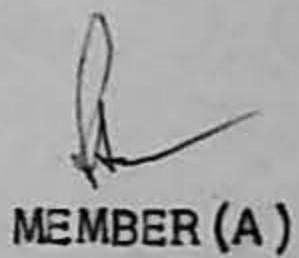
will take appropriate action in the matter within a reasonable time. In view of the discussions made above we find that no prima facie case for initiating contempt proceedings has been made out against the respondents. This application is accordingly dismissed."

5. Since the case of the applicant has already been taken in to consideration in view of the directions given in O.A. No.403/89 on 5-8-92 and a reasoned and speaking order was passed on 5-11-93 which fact the applicant did not like to disclose in his O.A. 254/96. Therefore, in our considered opinion no contempt is made out against the alleged contemner respondent No.4 and order dated 15-11-96 and 23-12-96 is recalled, notice issued to respondent No.4 is discharged.

6. No order as to costs.



MEMBER (J)



MEMBER (A)

satya/