

(Open Court)

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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 29th day of September, 2000

Coram:-

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman

Hon'ble Mr. S. Biswas, Member-A.

Civil Contempt Petition No. 81 of 1998

IN

Original Application No. 322 of 1997.

Lakhbir Singh, S/o Sri Moola Singh
R/o 973-B, Janmastmi Railway Colony, G.T. Road,
Kanpur Nagar

.....Petitioner

Counsel for the petitioner:- Sri B.N. Singh

V E R S U S

1. Sukhvir Singh, Divisional Railway Manager
Northern Railway, Allahabad Division, Allahabad.

2. Sri A.K. Saxena, Dy. Chief Electrical Engineer,
(Construction), Northern Railway,
D.R.M Office, Allahabad.

3. Supriya Sen, Senior Electrical Engineer(Construction)
Northern Railway, Railway Institute, G.T Road,
Kanpur.

.....Respondents.

Counsel for the respondents:- Sri A.K. Gaur



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O R D E R (Oral)

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

This application has been filed for punishing the opposite parties for committing ~~civil~~ contempt by disobeying the order of this Tribunal dt. 07.11.97 passed in O.A. No.322 of 97. The operative part of the order reads as under :-

" we allow the application quashing the impugned orders dated 30.11.96, 01.01.97 and 16.01.97 with the direction that the applicant shall be allowed to be continue as Vehicle Driver in the construction Division with the stipulation as brought out in para 11 above. The applicant shall be also considered for regularisation as Vahicle Driver against 25% vacancies reserved for the departmental promotion as initiated above in para 16 above."

2. Sri A.K. Gaur, learned counsel for the respondents has placed before us the order dt. 03.09.98 filed as annexure -1 to the C.A of Sri A.K. Saxena and has submitted that the order of the Tribunal has been fully complied with and ~~there is~~ no case for willfull disobedience has been made out. From the perusal of the order dt. 03.09.98 it appears that the applicant Lakhbir Singh was regularised against the Group 'D' post by order dt. 14.05.97 as Elect. Khalasi. The next regularisation /promotion would be in Group 'C' post. The Tribunal's direction was that the claim of the applicant for regularisation was considered against 25% vacancies reserved for the departmental promotion as provided under rules. The applicant appeared in the written test held on 28.03.98 but he could not qualified . The result of the written test was declared on 28.05.98 and the name of the applicant

was not found among the successful candidates. The direction of the Tribunal was to consider his regularisation as Vehicle Driver in accordance with rules. As the applicant has been duly considered and found unsuitable , it is difficult to say that the respondents have committed any willfull dis-
obedience. No case for contempt has been made out. However, we make it clear that so far ~~satisfaction~~ ^{Grievance} of the applicant against the proceedings for regulari-
sation or promotion being against rules is concerned, it may be raised by filing the seperate application.

3. Civil Contempt Petition is dismissed . Notices issued to the respondents are discharged.

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Member-A

L P

Vice-Chairman.

/Anand/