

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF AUGUST, 2001

CIVIL CONTEMPT APPLICATION No.66 of 1998

In

Original Application No. 1174 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Mahesh Chandra Sahu, S/o Moti Lal Sahu
R/o 9, Laskar Line, Old Bairahna
Allahabad.

... Applicant

Versus

1. Shri Shukhbir Singh
Divisional railway Manager
Northern Railway,
Allahabad.
2. Shri Rahul Agrawal
Senior Divisional Signal
and Telecommunication Engineer
(M) Northern Railway,
Allahabad.

... Respondents

O R D E R

JUSTICE R.R.K.TRIVEDI,V.C.

We have heard Shri S.K.Om learned counsel for the applicant and Shri A.K.Gaur learned counsel appearing for the respondents.

By this contempt application the applicant has prayed for punishing the respondents for committing contempt of this Tribunal. The allegation is that the order of this Tribunal dated 3.7.1997 passed in OA 1174/93 has not been complied with. The direction was as under:

".... On the consideration of all these facts we allow the OA and direct the respondents to conduct the screening of the



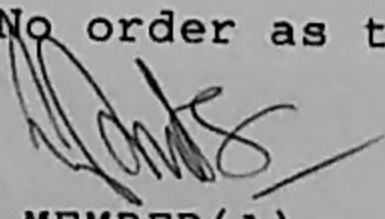
applicant for the post of Truck driver
and if he finds suitable in the screening
his case for promotion should be considered
No order as to costs."


The respondents have filed C.A. in para 19 & 20 of the CA filed by Shri Rahul Agrawal it has been stated that the applicant appeared in trade test before nominated officer and he was trade-tested for the post of Driver Gr-III. the result of the trade test was duly approved by the Competent Authority and was communicated to the petitioner vide letter dated 25.5.1998, a copy of the letter has been annexed with the CA. In RA though applicant has admitted that he was trade tested, but he has said that the direction by the Tribunal ~~which~~ was for screening test, whereas the respondents have taken trade test. Thus they have willfully disobeyed the order. In para 17 of the RA applicant has stated that:-

".....it may be clarified that trade test is only being conducted where a promotion is to be given, thus, an employee is to be trade tested while assigning him promotion, whereas screening is required at the time of initial induction in the base category for the purposes of regularisation....."

Thus on the applicant's own showing he was trade tested which also amounts screening for judging the suitability for a post. In these circumstances it is difficult to say that the respondents have willfully — obeyed the order of this Tribunal, no case for contempt is made out.

The contempt application is rejected. Notices are discharged. No order as to costs.


MEMBER(A)


VICE CHAIRMAN