

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD

Allahabad : Dated this 29th day of March, 2001  
Contempt Civil Petition No.10 of 2001  
In  
Original Application No. 235 of 1992.

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.  
Hon'ble Maj Gen KK Srivastava, A.M.

Rajendra Pd. Dwivedi,  
S/o Shri Uma Shanker Dubey,  
Health Inspector, Northern Railway,  
Allahabad.

(Sri KS Saxena, Advocate)

. . . . .Applicant

Versus

1. Sri S.P. Mehta,  
General Manager, Northern Railway,  
Baroda House, New Delhi.
2. Sri A.P. Misra,  
Divisional Railway Manager,  
Northern Railway, Allahabad.

(Sri A.K. Gaur, Advocate)

. . . . .Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. SKI Naqvi, J.M.

In this <sup>Contempt</sup> ~~concept~~ petition the petitioner has alleged that the directions of the Tribunal rendered on 22-3-2000 in OA No.235/1992 have not been complied with and, therefore, the respondents were issued notices, who have replied the same.

2. We have heard learned counsel for the applicant and perused the record.
3. In the connected OA No.235/1992, the Tribunal decided the matter with the directions as follow:-

*Saxena*

"Under the circumstances, we direct the respondents to consider the claim of the applicant for being appointed as Health Inspector on the basis of letter dated 19-10-1994, in case the essential qualification of 3 years did not exist in the recruitment rules. Respondents shall pass an order after seeing the recruitment rules within 3 months from the date of communication of this order."

4.. The respondents have brought on record through counter affidavit the order passed in compliance of the above direction, which is Annexure-SCA-1 to the short counter affidavit. It is a detailed speaking order with the conclusion that,"since rule provides three years of service conditions, hence, this claim has been rejected rightly. The employee may be informed accordingly."

5. Sri KS Saxena, counsel for the petitioner has his <sup>own</sup> <sup>and</sup> reservations regarding this order, <sup>he</sup> mentions that the relevant rule has not been applied and the matter has been proceeded by referring the instruction not applicable to this matter and, therefore, it cannot be said to be compliance of the order.

6. We considered the arguments and perused the record and <sup>find</sup> ~~found~~ that the respondents have considered the case and passed the order and in case the petitioner is not satisfied with the same, then his case <sup>gives rise</sup> ~~is ripe~~ to fresh cause of action and cannot be dealt with in contempt proceedings. The contempt proceedings <sup>are</sup> ~~is~~ dropped and the notices issued are discharged accordingly.

  
Member (A)

  
Member (J)

Dube/