

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 1ST DAY OF APRIL, 2002

Civil misc. Contempt Application No.103 of 2001

In

Original Application No.316 of 2001

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

HON.MR.C.S.CHADHA, MEMBER(A)

Mangal singh, S/o Sri Y.N.Singh
R/o M-13, Outside Railway Station
Near Railway Court Jhansi, presently
posted as T.T.E Central Railway at
Jhansi.

... Applicant

Versus

1. Dilip Kumar Singh,
Senior Divisional Commercial Manager
Central Railway Jhansi Division
Jhansi.
2. Rubin Jaqub Station
Manager, Jhansi Central Railway
Jhansi.

.. Opp.Party

O R D E R

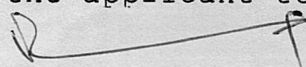
JUSITCE R.R.K.TRIVEDI,V.C.

We have heard Shri D.C.Saxena learned counsel for the respondents and perused the record.

This application has been filed u/s 17 of A.T.Act 1985 for punishing the respondents for committing contempt of this Tribunal by wilfully disobeying the interim order dated 26.3.2001 passed in OA No.316/01.

The facts of the case are that applicant Mangal singh is serving as T.T.E at Jhansi. He was transferred by order dated 3.1.01 which he challenged in this Tribunal by filing OA No.93/01. The OA was disposed of by the following order:-

"The OA is accordingly disposed of finally
with the liberty to the applicant to make



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representation before respondent no.3 against the impugned order of transfer dated 3.1.01 on the ground raised in the OA. The representation if so filed within two weeks shall be considered and decided by a reasoned order within a month. For a period of six weeks or till the representation is decided, whichever is earlier the impugned order of transfer dated 3.1.01 shall be kept in abeyance."

In compliance of the order the representation of the applicant was decided by General Manager Central Railway Mumbai on 14.3.01 against which applicant filed OA No.316/01 in which ~~in~~ an interim order was passed on 26.3.01 to the following effect:-

"Considering the facts and circumstances, issue notice to the respondents. Shri K.P. Singh, standing counsel for Central Railway has accepted notice for respondent 1 to 4 and prays for and granted four weeks time to file CA. Applicant will have two weeks thereafter to file RA. Notice shall be issued for service on respondent no.5 by the office before admission. Notice shall be returnable at an early date. List this OA for admission/hearing/final disposal on 14.5.01. If the applicant is still serving at Jhansi, the applicant shall be allowed to continue at Jhansi till the next date."

The grievance of the applicant that though applicant was serving at Jhansi the interim order has not been accepted and he has not been allowed to work. Counter affidavit



has been filed by Sri Dilip Kumar Singh, Senior Divisional Commercial Manager, central Railway, Jhansi. In para 20 of the counter it has been stated that applicant was already relieved on 18.3.01 when he deliberately and knowingly avoided service of the order dated 17.3.01. It has also been stated, as applicant was relieved on 18.3.01 he was not entitled to work at Jhansi. However, with the help of certain officials he got his name shown in the papers and he was unauthorisedly allowed to perform duty on 29.3.01, 30.3.01 and 31.3.01. It has also been stated that the documents filed by him are not supposed to be taken out of the Railway premises and taken out photo copy. It has also been stated that both the relevant orders in this respect passed against the applicant have been removed by tearing out the portion of pages of the register. It has been stated that disciplinary action has been taken against Chief Ticket Inspector by serving a major penalty charge sheet.

The question for determination is whether it can be termed as wilfull disobedience of the order of this Tribunal dated 26.3.01. The representation of the applicant was disposed of by General Manager on 14.3.01. As stated by the respondents he was relieved on 18.3.01 whereas interim order was passed on 26.3.01. In the circumstances, even though more papers have been filed showing that the applicant had worked even after 26.3.2001 it is difficult to accept that any contempt has been committed as the respondents could ^{reasonably} ~~enable~~ refuse the applicant to work on the post after he was relieved on 18.3.01. The unauthorised ^{retention} of the applicant on duty by any other official who was not authorised for this after ^{26.3.01} cannot be taken notice of. In the

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circumstances we do not find that any case for contempt is made out. The contempt application is accordingly rejected. Notices are discharged. There will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 1st April, 2002

Uv/