

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Civil Contempt Petition No.171 of 2001

In

Original Application No. 243 of 1996

Allahabad this the 08th day of April, 2002

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

Hon'ble Mr.C.S. Chadha, Member (A)

Baldeo Ram , Son of Shri Barsati, resident of  
Vill.Dharna, P.O. Mughalsarain, Distt.Chandauli.

Applicant

By Advocate Shri Yar Mohammad

Versus

R.K. Singh, Secretary, Railway Board, Rail Bhawan,  
New Delhi.

Respondent

By Advocate Shri Amit Sthalekar

O R D E R ( Oral )

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

By this application under Section 17  
of the Administrative Tribunal Act, 1985 the  
applicant has prayed to punish the respondent  
for wilful disobedience of the order of this  
Tribunal dated 27/04/00 passed in O.A.No.243/96.  
The direction given by the Tribunal is as under;

"We therefore direct the respondent no.1 to  
obtain and personally verify the marks obtained  
by various candidates in the written as well as  
three different sections of viva-voce and furnish  
the same to the applicant. In case respondents  
no.4 or 5 have received less marks than the

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applicant, the applicant should be given appointment as Telephone Operator in place of the respondent getting less marks than the applicant. This shall be complied within three months from the date of receipt of a copy of this order from the applicant."

2. The applicant has filed supplementary affidavit on 08.02.02 annexing therewith marks secured by the applicant and respondents no.4 and 5(in the O.A). It clearly shows that the applicant could not secured minimum passed marks in viva voce and thus, he could not be selected. The respondents have also filed counter-affidavit, wherein in para-13 it has been stated that the order has been complied with and the record was perused by the applicant and as the applicant could not secured sufficient marks in viva voce, he has not been selected. In the circumstances, as the order has been complied with, we do not find any useful purpose to keep this contempt proceedings pending. If the applicant has any dis-satisfaction in complying with the order by the respondents, he he may challenge the same in the original side. Shri Yar Mohd. at the end has also submitted that the applicant is being harassed and is not being allowed to discharge his duties, and also not allowed to sign the attendance register. Shri Amit Sthalekar submits that there is no such allegation in the contempt petition. It has been stated only in the supplementary affidavit, which could not

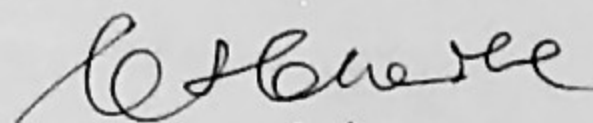
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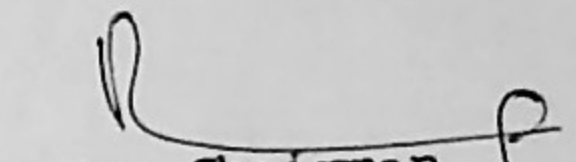




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be replied, but he has said that the applicant  
<sup>shall</sup>  
~~may~~ not be harassed by the respondents. Notice  
issued to the respondent is hereby discharged and  
and contempt proceeding is dropped.

  
Member (A)

  
Vice Chairman

|M .M. |