

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 14th day of May 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

CCA 55/01 in O.A. No.1167 of 2000.

A.N. Wali aged about 59 years s/o Late Rajnath Wali, posted as
Asstt. Production Engineer J & T, D.L.W., Varanasi.

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..... Applicant.

Counsel for applicant : Sri S.K. Mishra.

Versus

1. K.B. Shankaran, Member (Mech.), Railway Board, Railway
Bhawan, Ministry of Railways, Government of India, New Delhi
2. O.P. Gupta, General Manager, D.L.W., Varanasi.

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..... Respondents.

Counsel for respondents : Sri A. Sthalekar.

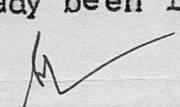
O R D E R (ORAL)

BY MR. S. DAYAL, A.M.

This contempt petition has been filed for punishing
opposite parties for deliberate disobedience of order dated
30.10.2000 passed by this Tribunal in O.A. No.1167/00.

2. We have heard Sri S.K. Mishra for applicant and Sri
A. Sthalekar for respondents.

3. The applicant is working as Assistant Production
Engineer in D.L.W., Varanasi. The applicant had given his
consent for posting to R.D.S.O., Lucknow in March 1998 but when
the Railway Board issued posting order dated 30.7.99 he realised
that the posting could be either at Calcutta or Delhi and not
at Lucknow. The General Manager, D.L.W., Varanasi treated the
applicant as already relieved and posted another person Sri
Jitendra Kumar Agarwal at D.L.W., Varanasi. The Railway Board
cancelled the posting of applicant to R.D.S.O. at instance but
the applicant was not allowed to work by General Manager as he
treated the applicant to have already been relieved. The



applicant was due for promotion to Group 'B' senior scale. The General Manager, D.L.W. issued order of promotion dated 12.8.00 to number of Group 'B' officials including an official who was junior to the applicant but the applicant was not promoted. The applicant made a representation dated 22.8.2000 which has not yet been decided. He filed O.A. No.1167/00 in the Tribunal. The tribunal passed order dated 30.10.2000 by which the respondents were competent to decide the representation of the applicant, first directed to decide the same within 8 weeks.

4. The short case of the applicant is that he has addressed his representation to Mechanical Member, Railway Board but the said representation has been decided by the General Manager, DLW, Varanasi vide his letter dated 5.12.2000 whereby the applicant has been informed that he was not found fit for promotion ^{by three} ~~as through~~ ^{who} Head of Department ^{who} had assessed his performance for last five years. It has also been mentioned vide the said letter that adverse entries have been communicated to the applicant on 4.12.2000 and the applicant had been given opportunity to represent. The applicant in O.A. 1167/00 had specifically sought a direction to the Respondent No.2, who was Member Railway Board to decide his representation dated 22.8.2000. The tribunal directed that competent authority in the responder Establishment should decide the pending application of the applicant within eight weeks. The representation of the applicant had been thereafter decided by the General Manager, D.L.W. and the respondents in their C.A. have stated that the General Manager, D.L.W. was competent to promote Assistant Rank office (Group 'B') to ad-hoc senior scale ^{per} ~~as~~ ^{guide} the prescribed ^{power to} ~~part~~ lines by the Railway Board. Since the ^{power to} ~~part~~ decide the matter in the representation ^{power to} ~~part~~ vested in the General Manager, we do not find that there was any want of jurisdiction in General Manager deciding the said representation. Therefore, we do not find that any contempt is, made out by the respondents. The contempt petition is, therefore, dropped and the notices issued are discharged.

J.M.

A.M.