

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 28th day of Nov. 2001.

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

HON. MR. RAFIQUDDIN, J.M.

CCA NO.221 of 2001

in

OA NO.501 of 1996.

1. Sri Suresh Lal Srivastava... Applicant.

Counsel for applicant : Sri U.S. Mishra.

Versus

1. Sri Vinod Kumar Garg, General Manager, North Eastern Railway, Gorakhpur.

2. Sri A.C. Ankodia, Controller of Stores, Northern Eastern Railway, Gorakhpur.

3. Sri Basant, Manager (Superintendent), Printing and Stationery, North Eastern Railway, Gorakhpur.

.... Respondents.

Counsel for respondents : Sri

ORDER (ORAL)

BY HON. MR. S. DAYAL, A.M.

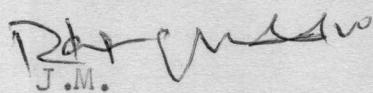
Counsel for applicant has filed this contempt petition for initiating contempt proceedings against the Opposite Parties for non-compliance in true spirit of the order and punish the respondents for contempt.

2. The order dated 3.7.01, the Tribunal had observed that the applicant, along with 7 others, who were granted temporary status on 23.9.96, was disengaged on 15.1.87 but was not re-engaged when other 7 were re-engaged on 15.10.87. The applicant had filed a representation which has not been decided. The respondents were directed to decide the representation by a reasoned order within three months.

3. The respondents have passed an order on 8.10.01 which has been communicated to the applicant on 9.10.01 in which they have stated that his representations

for re-engagement were received on 2.2.95, 21.8.95 and 29.9.95, which were 8 years after his disengagement.

Although photo copies of certificate of postings of various dates are available on record but no representations are available except the representations referred to above. Therefore, it would not be considered that the applicant was available for working from 1987 to 1994. Since the applicant had wilfully absented himself from 1987 to 1994, he was not re-engaged. The Counsel for applicant contested this reply. However, contempt is not maintainable on the basis of such a contest, which is now being made. The contempt petition is, therefore, dismissed at admission stage as no case for contempt is made out.


J.M.


A.M.

Asthana/