

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 2nd day of April 2002

Contempt Application no. 269 of 2001
in
Original Application no. 330 of 1999.

Hon'ble Maj Gen K.K. Srivastava, Member A
Hon'ble Mr. A.K. Bhatnagar, Member J

Juned Ahmad , S/o Late F.U. Siddique
Ticket Collector Northern Railway,
Lucknow Division At Prayag Railway Station.

... Applicant

By Adv : Sri A.K. Srivastava

Versus

1. Mr. S. Dashrathi, General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Mr. Jonh Mathew, Division Railway Manager,
N. Rly., Allahabad Division, Allahabad.
3. Mr. Amit Vardan, Sr. Division Commercial Manager,
N. Rly., Allahabad Division, Allahabad.
4. Mr. Rajeev Kishore,
D.R.M. (P), N. Rly.,
Allahabad Division, Allahabad.

... Respondents

By Adv : Sri P Mathur.

ORDER

Hon'ble Maj Gen K.K. Srivastava, AM

This contempt application has been filed under
section 17 of A.T. Act, 1985, for wilfully disobedience
of the order of this Tribunal dated 26.4.2001.

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2. The Tribunal vide order dated 26.4.2001 passed the following orders :


"For the above I find, the impugned order has not been issued by the authority who was competent to issue the same and, therefore, quash accordingly. However, the competent authority is not precluded to pass fresh order. The OA is disposed of accordingly. There shall be no order as to costs."

According to this judgment the order was quashed because it was not issued by the competent authority. However, the respondents were given opportunity to pass fresh order.

3. Sri P Mathur, learned counsel for the respondents filed counter affidavit on 7.3.2002, in which it has been averred by the respondents that in pursuance of the direction of this Tribunal dated 26.4.2001 a fresh order by the competent authority i.e. General Manager (P), N. Rly., Baroda House, New Delhi has been issued (Ann CA1) transferring the applicant from Allahabad to Moradabad Division. The said order of General Manager (P), N. Rly., is addressed to D.R.M., N. Rly., Allahabad. D.R.M., N. Rly., Allahabad in compliance to the order of the General Manager dated 8.8.2001 issued order on 29.10.2001 (Ann CA 2). In ~~our~~ ^{the} opinion, the respondents have complied with the ⁱⁿstructions ~~that the~~ ⁱⁿ the direction of this Court and no case of contempt is made out.

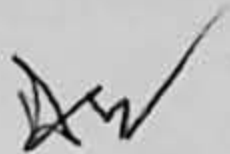
4. Sri A.K. Srivastava, learned counsel for the applicant submitted that in fact the attitude of the respondents towards the applicant has been discriminatory

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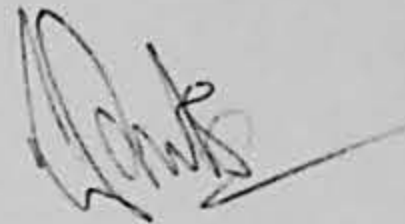


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by transferring him from Allahabad to Moradabad as he was appointed at Allahabad on compassionate ground and he is entitled for relief. The applicant if so aggrieved, is permitted to come on original side. No case of contempt is made out. Contempt proceedings are dropped. Notice issued to respondent no. 4 is discharged. No order as to costs.



Member (J)



Member (A)

/pc/