

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

...

Contempt petition No. 04 of 2004

IN

Original Application No. 260 of 2003.

this the 23rd day of March 2004.

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)
HON'BLE MR. S.C. CHAUBE, MEMBER (A)

Ram Charan, S/o late Nidha, working as Fitter Gr.I,
office of Senior Section Engineer, N.C.R., Coaching
Depot, Kanpur Central.

Applicant.

By Advocate : Sri S.K. Om.

Versus.

1. Sri prakash, Divisional Railway Manager, Northern
Central Railway (Earlier Northern Railway), Allahabad.
2. Sri S.K.L. Srivastava, Senior Divisional Mechanical
Engineer, Northern Central Railway (Earlier Northern
Railway), Allahabad.
3. Sri Kamla Kant Misra, Senior Section Engineer,
(C&W), Northern Central Railway, Kanpur.

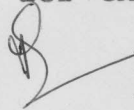
Respondents.

By Advocate : Sri A.K. Gaur.

ORDER

BY MRS. MEERA CHHIBBER, MEMBER (J)

The applicant has filed C.P. claiming disobedience
of the order dated 5.5.2003 passed in O.A. no. 260 of 2002
whereby respondents were directed to re-consider the
matter for regularisation of quarter after the date
the applicant was transferred to Kanpur on 30.3.1993
and pass a fresh order. However, the damage rent realised
from the applicant for the period he worked at Harduganj



was justified and his prayer to that effect ~~was~~ rejected. The recovery made shall be subject to the order passed by the Railway authority in accordance with law in pursuance of this order.


2. The respondents have, thereafter, passed the order dated 31.12.2003 whereby the railway quarter B-6/A Type II Military Camp, Kanpur was regularised in the name of the applicant w.e.f. 26.12.2003 (Annexure-1). Respondents' counsel, thus, submitted that the order has since been complied with, while, counsel for the applicant insisted that the quarter should be regularised w.e.f. 30.3.93 the date when he was re-transferred to Kanpur. He also submitted that the applicant has already challenged this order dated 31.12.2003 by filing a separate O.A.


3. We have heard parties counsel ^{and} and perused the documents on record.

4. Perusal of the judgment dated 5.5.2003 shows that the respondents were directed to re-consider the matter for regularisation of the quarter after the date the applicant was transferred to Kanpur on 30.3.93 and to pass a fresh order. It is also seen that the first order was quashed only ^{because of} there was a factual mistake in the order. Thereafter, the respondents have regularised the quarter vide order dated 31.12.2003. If it has been regularised w.e.f. 26.12.2003, the respondents must have some justification for doing so, which they would explain in ^{reply to} the O.A. filed by the applicant for challenging the order dated 31.12.2003. In these circumstances, we are satisfied that no case for contempt has been made out, especially in view of the latest judgment of the Hon'ble Supreme Court given in the case of M/S Ashok Paper Kamgar Union & Others. Vs. Dharam Godhra & Others reported in AIR 2004 SC 105. Since the applicant has

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already challenged the correctness of the order passed
by the respondents, ^{in fresh O.A.D.} this C.P. is dismissed. Notices issued
to the respondents are discharged.


MEMBER (A)


MEMBER (J)

GIRISH/-