

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

CIVIL MISC. CONTEMPT PETITION NO. 12 OF 2004
ALLAHABAD, THIS THE 28th DAY OF SEPTEMBER, 2004

HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)
HON'BLE MR. D.R. TIWARI, MEMBER (A)

Mangroo Ram aged about 61 years
s/o Late Sukkhy Ram, resident of
village-Ghatampur, P.O. Chakia,
District-Chandauli (U.P.).

.....Applicant

(By Advocate & Shri H.S. Srivastava)

V E R S U S

Sri Sanjay Bajpai,
Senior Divisional Manager(Operating),
Northern Railway, Lucknow.

....Respondents

(By Advocate : Shri P. Mathur)

O R D E R

By Hon'ble Mr. A.K. Bhatnagar, J.M.

Shri H.S. Srivastava counsel for the applicant has sent illness slip. Shri P. Mathur counsel for the respondents. As the matter is between the contemptner and the court so no useful purpose will be served to adjourn the case any more as applicant's counsel has argued this matter yesterday.

2. This contempt petition has been filed for punishing the respondents for non-compliance of the order dated 14.08.2003 passed in O.A. No.386/03 by which the following directions were given:-

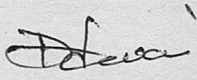
"The O.A. is accordingly disposed off finally with the direction to respondent No.4, Senior Divisional Manager (Operating), Northern Railway Hazratganj Lucknow to conclude the disciplinary proceedings against the applicant within a period of 4 months from the date a copy of this order

// 2 //

is filed. It is further provided that as the total liability of the applicant as shown in the memo of charge is Rs.1,57,360/-, the amount of gratuity payable to the applicant may be withheld and remaining amount may be released as per rules within a period of one month. There will be no order as to costs. "

3. Learned counsel for the respondent submitted that he moved Misc. Appl. No. 3958/04, which was allowed vide order dated 20.09.04 and further 3 months time was granted by the Court for compliance of the order passed in O.A.386 of 2003. Therefore, the contempt petition is not maintainable being premature.

4. In view of the statement made by the counsel for the respondent and on perusal of para-2 and annexure-I to the M.A., we find that the contempt petition is premature and no case of contempt is made out against the respondent at this stage. Therefore, the contempt application is rejected. Notice issued to the respondent is discharged. If the applicant is still aggrieved, he may take legal recourse as per law.


Member (A)


Member (J)

shukla/-