

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. CONTEMPT PETITION NO.56 OF 2004
IN
ORIGINAL APPLICATION NO.1023 OF 1996

ALLAHABAD THIS THE 1ST DAY OF MAY, 2008

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J
HON'BLE MR. N. D. DAYAL, MEMBER-A

Usha Rani, aged about 58 years,
W/O Sharda Prasad Keesarwani,
Resident of 25/25 Sammelan Marg,
Allahabad.

..... .Applicant

By Advocate : Shri M. K. Upadhyay

Versus

1. Shri R. R. Jahuror,
General Manager, Northern Railway,
Baroda House,
New Delhi.
2. Sri I.P.S. Anand,
General Manager, Northern Central Railway,
Allahabad.
3. Sri Prakash,
Divisional Railway Manager,
Northern Central Railway, Allahabad.
4. Sri N.U. Ansari,
Senior Personnel Officer,
Northern Railway,
Allahabad.
5. Sri M. K. Srivastava,
Senior Account Officer,
Northern Railway, Allahabad.

..... .Opposite Parties/Contemnors

By Advocate : Shri P. N. Rai

O R D E R

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

This Contempt Petition was filed by the applicant
alleging dis-obedience of the order dated 28.01.2003



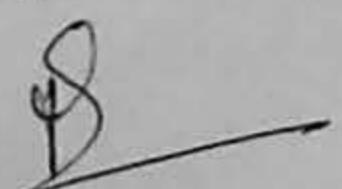
passed in OA No.1023/96. By the said order following directions were given to the parties:-

"11. In view of the above discussions, the OA is disposed of with the direction to the applicant to give his representation within two weeks from the date of receipt of a copy of this order narrating therein all his grievances which shall be looked into by the respondents and they shall pass their speaking orders thereon within a period of two months thereon. Secondly, the respondents are also directed to give a show cause notice to the applicant within four weeks from the date of receipt of a copy of this order informing him as to how and when his salary was wrongly fixed and given him an opportunity to make his representation thereon within a period of three weeks thereafter and after considering the reply of the applicant, respondents shall pass a final and detailed order under intimation to the applicant."

2. Respondents have filed their reply wherein they have stated that direction of this Tribunal has been complied with in as much as after the directions of this Tribunal a detailed and reasoned order has been passed by the respondents on 17.04.2003 which was duly communicated to the husband of the applicant. However, since the employee has thereafter died the question of giving show cause notice does not arise.

3. Learned counsel for the applicant on the other hand has submitted that even though a specific direction was given to the respondents to issue show cause notice, but the said direction has not been complied with.

4. We have heard ~~the~~ learned counsel for the parties and perused the pleadings as well. It is correct that



two directions were given, first is to the applicant to give representation which was decided and second to issue show cause notice to the applicant in the OA. The representation given by the applicant has been decided by the respondents and as far as issuance of show cause notice is concerned, since the employee had died respondents could not issue the same to the applicant. In these circumstances, it cannot be insisted that show cause notice should still be issued to the applicant. However, respondents may give reasons to the applicant's wife even now within a period of six weeks explaining to her as to how and when the salary of the applicant in the OA was ultimately fixed so that she may give representation if she knows about death to the parties.

5. With the above directions this contempt petition does not survive. The same is accordingly dismissed. Notices issued are discharged.



Member-A



Member-J

/ns/