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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

CIVIL CONTEMPT PETITION NO.86 OF 2004

IN

ORIGINAL APPLICATION NO.774 OF 1997

ALLAHABAD THIS THE 16TH DAY OF NOVEMBER, 2004

HON'BLE MR. JUSTICE S. R. SINGH, V.C.

HON'BLE MR. D. R. TIWARI, A.M.

Kunwar Narendra Singh,

Son of Late Amar Raj Singh,

R/o Village P.O. Ahmadpur,

District-Jaunpur.

.Appellant

(By Advocate Sri H.S.N. Tripathi/Sri R.M. Singh)

Versus

Ranvijay Singh,

A.D.R. M.S., Northern Railway,

Hazratganj, Lucknow.

.Respondentxx


(By Advocate Shri P. Mathur)

ORDER

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

Heard Shri R.M. Singh, learned counsel for the applicant, Shri P. Mathur learned counsel for the respondent and also perused the pleadings.

2. The Tribunal by means of its order dated



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26.08.2003 directed the third respondent namely Additional Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow to consider and decide the appeal preferred by the applicant against the order of removal from service. The decision in appeal was to be taken within a period of three months from the date of service of the copy of the order. The O.A. No.774/97 Kunwar Narendra Singh Versus U.O.I. and Others was disposed of in terms of the said direction.

3. The instant contempt petition has been instituted with the allegation that the aforesaid order passed by the Tribunal has not been complied with. The Counter Affidavit has been filed today. The respondents have stated that appeal has since been decided by means of order dated 10.11.2004, the copy of which has been annexed as Annexure -CA-I.

4. The only grievance of the applicant is that though the third respondent was directed to decide the appeal after affording opportunity to the applicant but opportunity was not given to the applicant and, therefore, the respondent is liable for contempt. The order dated 10.11.2004 states that notice was issued to the applicant to appear in person but on the date fixed he did not turn up and hence the appeal was decided as per order dated 10.11.2004. The counsel for the applicant submitted that registered notice was not served till today to the applicant. Be that as it may, the remedy open to the applicant is to challenge the said order by means of a fresh O.A. We are not persuaded to pursue the matter in contempt petition. The Contempt Petition is accordingly dismissed. Notices are discharged.

[Signature]
Member-A

[Signature]
Vice-Chairman