

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 26th day of April, 2007.

**HON'BLE MR. ASHOK S. KARAMADI, MEMBER- J.
HON'BLE MR. K.S. MENON, MEMBER- A.**

**CIVIL CONTEMPT PETITION NO. 96 OF 2004
IN
ORIGINAL APPLICATION NO. 888 OF 2003**

Ram Lal, A/a 60 years, S/o Sri Ram Sakal,
R/o Vill. Movai Khurd, P.O. Mughalsarai,
Distt. Varanasi. Retired Tool Checker in the office
Of Divisional Mechanical Engineer (Diesel),
East Central Railway, Mughalsarai.

.....Applicant.

VE R S U S

1. R. Vijay Mohan,
Divisional Railway Manager,
East Central Railway, Mughalsarai.
2. B.K. Sigh,
Senior Divisional Personnel Officer,
East Central Railway, Mughalsarai.
3. Mahendra Prasad,
Assistant Personnel Officer,
East Central Railway, Mughalsarai.

.....Respondents

Present for the Applicant: Sri S.K. Mishra
Present for the Respondents : Sri K.P. Singh

ORDER

BY HON'BLE MR. ASHOK S. KARAMADI, JM

2. This contempt Petition has been filed against the order dated 07.08.2003 passed by the Tribunal in O.A No. 888/2003. By the said order, the respondents were directed to maintain status quo with respect to the applicant. Having regard to the dispute that whether the applicant

belongs to Khalasi cadre or Tool Checker, it was brought to the notice of the Tribunal that the applicant was continued to work as Tool Checker and thereafter superannuated from the said post.

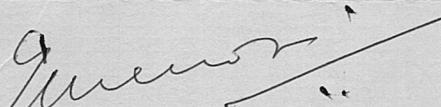
3. On notice, the respondents have filed their Counter Affidavit in which regarding dispute in question, the respondents have stated in para 26 of the Counter Affidavit that the applicant was working as Khalasi Helper as per office order dated 11.02.2003. However, on scrutiny it was found that the Bill preparing Clerk committed mistake and he has shown the designation of the applicant as Tool Checker in the pay slip instead of Khalasi Helper and for this mistake, the disciplinary proceedings have already been initiated. In these circumstances, Learned counsel for the respondents submits that the present contempt petition does not survive and therefore, sought for dismissal of the same.

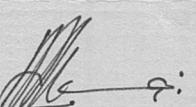
4. We have heard learned counsel for the parties and perused the pleadings on record. Having regard to the fact that in the order dated 07.08.2003, there is no specific direction restraining the respondents from taking any decision in the matter. Thus the plea of the applicant that the respondents have violated the orders passed by the Tribunal on 07.08.2003. The O.A is still pending, therefore, the grievance of the applicant shall be settled by disposing of the O.A on merits.

5. Having regard to the aforesaid facts, it is just and proper to drop the contempt proceedings and is dropped accordingly. Notices are discharged.

List the O.A for hearing/ final disposal on 24.05.2007.

Interim order dated 07.08.2003 passed in O.A No. 888/2003 to continue till the next date.


(K. S. MENON)
MEMBER- A


(ASHOK S. KARAMADI)
MEMBER- J.

/Anand/