

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

...

Contempt petition No. 135 of 2004

In

Original Application No. 634 of 2004.

this the 6th day of January, 2005.

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

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

1. Mohd. Azam Khan, S/o Mohd. Jameel Khan.
2. Dev Narain Sharma, S/o Sri Faizdar Sharma.
3. Bhunesh Pratap Singh, S/o late Balbhadra Singh.
4. Awadh Kishore, S/o late Ram Chandra Prasad.
5. Dinesh prasad, S/o Sri Moti Lal.
6. Sukhai, S/o Sri Shiv Govind Singh.

Applicants.

By Advocate : Sri A.K. Srivastava.

Versus.

1. Sri Ajai Kumar Srivastava, Senior Divisional
personnel officer, North Eastern Railway,
Varanasi Division, Varanasi.

Respondent.

By Advocate : Sri Anil Kumar.

ORDER

BY A.K. BHATNAGAR, MEMBER(J)

This Contempt petition has been filed by the applicants for punishing the respondent for wilful disobedience of the order of this Tribunal dated 29.6.2004 passed in Original Application No. 634 of 2004. The operative portion of the order of this Tribunal reads as under :

"..... Therefore, this O.A. is being disposed off at admission stage itself by giving a direction to the respondent no.3 to treat this O.A. itself as a representation and to decide the same after verifying the actual working of the applicants from the records within a period of two months

XW

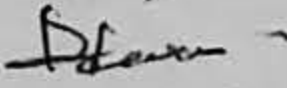
from the date of receipt of copy of this order by passing a reasoned and speaking order under intimation to the applicants.

It is made clear that if in the meantime any screening is carried-out pursuant to the notification dated 17.6.2004, the result of the same shall be subject to the final decision taken by the authorities on the applicants' representation

2. The learned counsel for the respondent has invited
dt. 17.9.2004
our attention to Annexure-I filed alongwith the Counter affidavit, in which it is stated that after receiving the order dated 29.6.2004, the case of the applicants has been investigated and found that the applicants are ex-casual labour, whereas the impugned notification dated 17.6.2004 was for screening of the Substitutes working in the Signal & Telecommunication Department. It is further stated that there was no notification regarding screening of the ex-casual labour besides that the substitutes are to be appointed against the leave vacancy of the regular staff and have got preferential right than the casual labourers.

3. The case was listed yesterday, but on the request of the learned counsel for the applicants, the case was ordered to be listed today i.e. 6.5.2005 for raising objection, if any.

4. After hearing the counsel for the parties and from perusal of Counter affidavit and Annexures thereto, we are of the considered view that no case for contempt is made out against the respondent. Accordingly, the Contempt petition is dismissed. Notice issued to the respondent is hereby discharged.


MEMBER (A)


MEMBER (J)

GIRISH/-