

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

Civil Contempt Petition NO. 161 of 2004.
In
Original Application No.302 of 2000

ALLAHABAD THIS THE 2nd day OF February 2006.

**HON'BLE MR. K.B.S Rajan, MEMBER-J
Hon'ble Mr. A.K. Singh, Member-A**

Prabhu Narain Chaubey son of Sri Awadh Narain Chaubey,
Gateman in North Eastern Railway at Manduadih Varanasi
R/o Village and Post Murdaha, Varanasi.

.....Applicant.

(By Advocate: Sri Sajnu Ram)

Versus

1. J.P. Batra, General Manager North Eastern Railway, Gorakhpur.
2. Naveen Tondon, Divisional Railway Manager, North Eastern Railway, Varanasi.

.....Respondents.

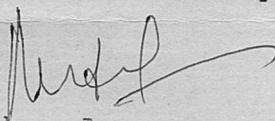
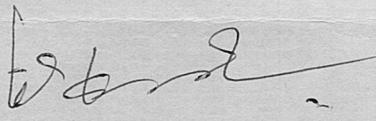
(By Advocate : Sri A.K. Gaur)

O R D E R

By HON'BLE MR. K.B.S Rajan, MEMBER-J

In compliance of our earlier order dated 3.10.2005, a comprehensive affidavit has been filed and each of the direction contained in that order has been clearly explained by the respondents. No doubt, we are fully satisfied with the details given in the affidavit. Learned counsel for the applicant, however, submits that the error committed by the respondents is with reference to the date of his initial appointment and seniority from the date of appointment i.e 1987 and consequential promotion in accordance with law. It appears from para 8 of the counter affidavit that

'paper screening' of the applicant was held on 12.9.1997 and he was accorded seniority on the basis of the same which, according to the applicant's counsel, should have been antedated to period corresponding to 19⁹⁷. The applicant does have a point in this regard, ^W since as per para 5 of the order dated 20.11.2003 in O.A. NO.302/00 and in view of the law laid down by the Hon'ble Supreme Court in Devendra Pratap Narain Rai Sharma Vs. State of Uttar Pradesh and others AIR 1962 SC 1334, the applicant is deemed to have been continuously serving. It seems that the respondents have not taken into consideration the same. This omission at the same time, does not, in any way, constitute contempt. In addition to above, the learned counsel for the applicant contends that non payment of City Allowance and bonus has also contributed to the non compliance of the order in full. This omission should also be treated as an inadvertent one. The applicant may pen a detailed representation in this regard and submit to the respondents, in which event, the respondents may consider the same in accordance with the law, keeping in mind paras 5 and 6 of this Tribunal's order dated 20.11.2003. Civil Contempt Proceedings are dropped and notices issued are discharged.


Member-A
Member-J

Manish/-