

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH. ALLAHABAD**

Civil Contempt Petition No.06 of 2005
(Arising out of O.A No. 1479 of 2001)

ALLAHABAD THIS THE 16th the DAY OF April, 2008

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

Avinashi Prasad, aged about 43 years,
Son of Late Shri Laxman Prasad,
Resident of Village Bheeti,
P.O. Mahgaon, Tehsil Chail,
District Kaushambi.

.....Applicant

By Advocate: Sri Arvind Yadav
Shri R. Verma.

V E R S U S

Shri Deepak Dave,
Divisional Railway Manager,
North Central Railway,
Allahabad.

.....Opposite Party

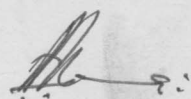
By Advocate: Sri. P. Mathur.

ORDER

By Ashok S. Karamadi, Member-J

This Contempt Petition is filed for non-compliance of the order dated 21.9.2004 passed in O.A. No.1479 of 2001. By the said order, the respondent was directed to consider the case of the applicant for re-engagement after taking into reckoning the service rendered by him as casual labour. Since the respondent has not complied with the said order, this Contempt petition is filed for taking action against the respondent for disobedience of the order of this Tribunal.

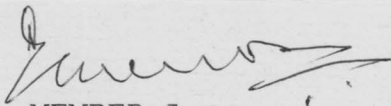
2. On notice, the respondents has filed Counter Affidavit. It is stated in the Counter Affidavit that in pursuance of the order passed and having regard to the proceedings taken before this Tribunal, the case of the applicant was not considered within



time, but having regard to the fact that the order passed by the Tribunal, subsequently the steps are taken and case of the applicant was considered by the respondents in Group 'D' post in the Grade of Rs. 2610-3540/- and thereafter the applicant has joined on 19.1.2008. Having regard to the compliance of the order, the respondents have stated that they have not disobeyed the order, accordingly sought for dismissal of the Contempt Petition.

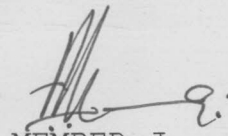
3. We have heard the learned counsel for the applicant and respondent. The learned counsel for the applicant states that the respondent has not granted the fixation of pay, posting etc., which was given to the applicant as per the directions of this Tribunal in O.A. and as such the full compliance of the order has not been made.

4. On perusal of the material on record and the submissions made by the learned counsel for the respondent, we are of the considered view that there is no willful disobedience of the orders on behalf of respondents. However, the learned counsel for the applicant states that he may be given liberty to agitate the matter before the appropriate forum, if so advised. Since the respondent has already complied with the orders, we do not find any justifiable grounds to continue the contempt proceedings. Accordingly, the Contempt petition is dropped and notice is discharged. Liberty is given to the applicant to agitate his grievances, if any, before the appropriate forum.



MEMBER-A

GIRISH/-



MEMBER-J