

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Contempt Application No.22 of 2005
In
Original Application No. 612 of 2004

Tuesday this the 30th day of October 2007

Hon'ble Mr. Ashok S. Karamadi, Member (J)
Hon'ble Mr. K.S. Menon, Member (A)

Ram Prasad, Son of Maiku, Resident of Mawa-Khurd Post
Mugalsarai, Distt. Varanasi.

Applicant

By Advocate Sri B.P. Srivastava

Versus

1. Sri R.K. Gupta, Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
2. Sri R.K. Tayal, Divisional Mechanical Engineer (DSL), Northern Railway, Alambagh, Lucknow.

Respondents

By Advocate Sri Prashant Mathur

ORDER

By Ashok S. Karamadi, Member (J)

Even in the revised call, none for the applicant. Sri Prashant Mathur is present for the respondents.

2. This contempt application is filed against the respondents for non-compliance of the Order dated 11.08.2004. By the said Order, a direction was issued to the respondents to complete the disciplinary proceedings within four months from the date of receipt of copy of the Order and the applicant is directed to co-operate in the disciplinary proceedings. In case the department fails to conclude the disciplinary proceedings within four months, the applicant shall be entitled for pension and other retiral benefits. Being aggrieved by non compliance of the aforesaid order, this contempt application is filed for taking action against



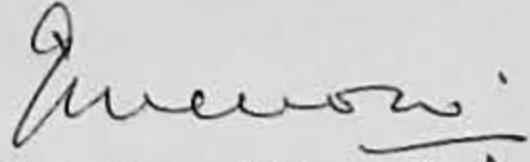
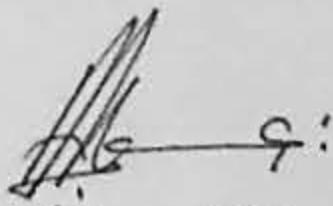
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the respondents. On notice, the respondents have filed the counter affidavit and also they have produced certain documents with the submission that they have complied with the Order dated 11.08.2004 and the necessary amount to which the applicant is entitled, has already been paid. After receipt of the counter affidavit, the applicant has not filed any supplementary affidavit or rejoinder affidavit, disputing the said fact till today. In that view of the matter, learned counsel for the respondents prays for dismissal of this contempt application.

3. On 04.10.2007 when these facts were brought to the notice of learned counsel for the applicant, at that time, learned counsel for the applicant took time to ascertain the aforesaid submission of respondents and to make submission today. At this stage, learned counsel for the applicant has put his appearance.

4. Heard, the learned counsel for the parties and perused the pleadings available on record.

5. On perusal of the counter affidavit and the documents annexed with the counter affidavit, we do not find any justifiable ground to continue the contempt proceedings. Learned counsel for the respondents also brought to our notice the communication made to the applicant by letter dated 15.05.2007, same is taken on record. Accordingly, contempt proceedings against the respondents are dropped and notices issued to them are discharged.


Member (J)
Member (A)

/M.M./