

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 09th day of December, 2005

Civil Contempt Petition No. 93 of 2005

Hon'ble Mr. A.K. Bhatnagar, Member- J.
Hon'ble Mr. S.C. Chaube, Member- A.

Shiv Shankar, S/o Late Lahur Yadav,
Working as Trackman as Senior Trackman under
SE (P.Way), N.C. Railway, Churk,
SonebhadraApplicant

V E R S U S

1. Sri S.K. Chaudhary, DRM, NCR, Allahabad.
2. Nuruddin Ansari, Sr. Divisional Personnel Officer,
N.C.R, Divisional Office, Allahabad.
3. Sri Bhavesh Pandey, D.E.N, NCR, Divisional
Office, Chunar, Mirzapur.
4. Sri R.A. Vishwakarma, Section Engineer (P.Way),
N.C.R, Churk, Distt. Sonbhadra.
..... Opposite Parties/respondents

Present for the Applicant: Sri S. Ram
Present for the Respondent: Sri A.K. Gaur

O R D E R

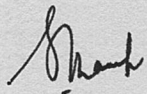
BY HON'BLE MR. A.K. BHATNAGAR, JM

By this Civil Contempt Petition, the applicant has prayed for punishing the respondents for willful disobedience of the order passed on 01.06.2005 in O.A No. 572/2005 by which a direction was issued to decide the representation of the applicant dated 02.05.5002 earliest possible preferably within a month from the date of receipt of a copy of the order. It was also provided in the order to maintain the status quo as on date in respect of the applicant till the decision of the representation.



2. Learned counsel for the respondents Sri A.K. Gaur invited our attention on para 11 and submitted that the order passed by this Tribunal has duly been complied with by the competent authority as the representation filed by the applicant has been decided by the competent authority on 26.09.2005, a copy of which has already been annexed as Annexure- 1 with Short Counter Affidavit. On the other hand learned counsel for the respondents submitted that although the judgment alongwith copy of representation and copy of O.A was served on the respondents on 17.06.2005, the respondents have passed this order on 26.09.2005 i.e. after about 2 months from the date of filing of the copy of order. Learned counsel for the applicant further submitted that the salary for the month of June 2005 to September 2005 has not been given by the respondents.

3. From perusal of the order dated 01.06.2005 it is clear that no where direction was given for payment of salary to the applicant. However, the representation has been decided by the respondents, therefore, the case of contempt does not survive. Accordingly the Civil Contempt Petition is rejected. Notices issued to the respondents are hereby discharged. However, if the applicant still feels aggrieved by any action of the respondents, he may come on the original side, if so advised.


MEMBER- A.


MEMBER- J.

/Anand/