

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

Civil Misc. Contempt Application NO. 130 of 2005

In ^{~684~}
ORIGINAL APPLICATION NO. ~~812~~ of 2003.

ALLAHABAD THIS THE 21ST DAY OF JULY 2008.

Hon'ble Mr. Justice A.K. Yog, Member-J
Hon'ble Mr. K.S. Menon, Member-A

Mewa Lal son of late Shiv Mangal Ex Gangman R/o Village Rajman
Raghaura, P.O. Jigna, District Mirzapur.

.....Applicant

(By Advocate: Shri Sudama Ram)

Versus.

Shri S.K. Chaudhary, Divisional Railway Manager, N.C. Railway,
D.R.M's Office, Nawab Yusuf Road, Allahabad.

.....Respondents

(By Advocate: Shri Anil Kumar)

ORDER

Justice A.K. Yog, Member-J

It is not disputed at bar that against the order of the Tribunal (breach of which is alleged in this contempt petition) is being challenged before High Court, Allahabad wherein interim order was passed on 19.9.2007. Photostat copy of the said order appended alongwith supplementary affidavit sworn by Shri Deepak Dave, D.R.M, N.C. Railway, Allahabad. Relevant extract of the same reads:-

"List the matter after four weeks for admission/final hearing. Till then the operation of the impugned judgment and order dated 01.3.2005 shall remain stayed.

Dt 19.9.2007

Sd. Dr. B.S. Chauhan, J

Sd/-Arun Tandan, J"

2. Learned counsel for the applicant attempts to interpret that the stay as being time and the same not being extended. Thereafter the interim order should be treated to be lapsed.

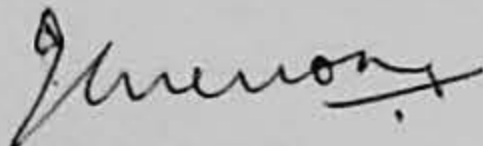



3. We have carefully read the interim order. The Bench did not fix any date and there is nothing in the interim order when such case is to be listed thereafter. Secondly the expression 'till then', is to be read in the conjunction with the expression 'admission/final order'. There is no averment on record or statement that the writ petition has been admitted or stay matter finally heard and vacated. The interim order of the High Court should normally be treated to be operative unless it is vacated by a specific order.

4. In view of the above, contempt petition is dismissed.

5. Notice discharged. Contempt petition shall consign on record.

No costs.


Member-A


Member-J

Manish/-