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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CONTEMPT (CIVIL) PETITION No.135/2005
IN
ORIGINAL APPLICATION No.254/2005

TUESDAY, THIS THE 08th DAY OF AUGUST, 2006

HON'BLE MR. A.K. SINGH, MEMBER (A)

HON'BLE MR. K. ELANGO, MEMBER (J)

Surendra Prasad,
S/o Late Sri Ram Naresh,
R/o Village Senuri,
Post Office Pipiganj,
District Gorakhpur.

... Contempt Petitioner

(By Advocate Shri R.C. Mishra)

Vs.

Mr. Abhitabh Lal,
Divisional Railway Manager (Commercial),
North East Railway,
Lucknow.

...

Respondent

(By Advocate Shri K.P. Singh,
Standing Counsel for Railways)

ORDER

Hon'ble Mr. A.K. Singh, Member (A) :

The Contempt Petition ^{has been} ~~was~~ filed by the applicant Shri Surendra Prasad, for punishing the Respondent for non compliance of the order of this Tribunal dated 16-03-2005 in O.A. No.254/2005, as per which, a direction was issued to the competent authority/respondent to decide the representation of the applicant within a period of three months from the date of receipt of a copy of the order. A copy of the aforesaid representation date 15.03.2004 was sent to the Divisional Railway Manager, North East Railway, Lucknow, for necessary consideration. The representation in question was considered and decided by the competent authority viz., the Divisional Railway Manager, North East Railway, Lucknow, within the time allowed.

2. As per rules of Compassionate appointment, the widow of the deceased employee gets the first priority for appointment and accordingly, the Railway administration contacted Smt. Kalavathi Devi, widow of late Shri Ram Naresh, the deceased employee. Smt. Kalavathi Devi, instead of herself taking up the employment, recommended the case of her second son Shri Mahendra for employment on compassionate grounds. She also intimated the authorities that her eldest son Shri Surendra Prasad lives separately and independently of her and will not be able to look after her on being appointed on compassionate grounds.

Shri Surendra Prasad, too, has
~~He also~~ gave "No Objection Certificate" *for* the employment of Shri Mahendra on compassionate grounds as stated in the order of the competent authority, i.e., the Divisional Railway Manager, North East Railway, Lucknow. In deference to the wishes of Smt. Kalavathi Devi and on furnishing of No Objection by Shri Surendra Prasad for compassionate appointment of his younger brother, Shri Mahendra, the respondents ~~have~~ *have* appointed Shri Mahendra in the services of railways, on compassionate grounds, vide their letter No.E/1/227/Compassionate appointment/Class IV/Pmt VI, dated 24.08.2005.

3. In view of the above, the contempt petition does not survive and merits dismissal. Accordingly, the Contempt Petition No.135/2005 is dismissed and the notices discharged.

K. Elango
 (K. ELANGO)
 MEMBER (J)

A.K. Singh
 (A.K. SINGH)
 MEMBER (A)

psp.