

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad, this the 10th day of August 2021

Civil Misc. Contempt Petition No.330/00265/2018
in
Original Application No. 330/01107/2018

Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)
Hon'ble Mr. Tarun Shridhar, Member (Administrative)

Anand Anweshi, aged about 32 years, son of Raj Nandan Choudhary, Technician-I, (E.S.M) office Chief Workshop Manager) Chief Workshop Manager, Gorakhpur U.P. R/o 57 FFD, RB-2 Railway Colony Bad, Ranchi Bangar, District Mathura.

. . .Petitioner

By Advocate : Shri Amit Kumar Singh

V E R S U S

1. Rajeev Agrawal, General Manager, (Personal), North East Railway Gorakhpur.
2. Gyan Prakash Sankar Narayaan, Chief Workshop Manager/Signal Workshop Gorakhpur Chhawani, N.E.R. Railway Gorakhpur.
3. S.B. Singh, Senior Executive, Signal Workshop N.E. Railway Chhawani, Gorakhpur.

. . .Respondents

By Adv: Shri Sanjeev Kumar Pandey

O R D E R

By Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)

No one is present on behalf of the Petitioner even in the revised call. Shri Sanjeev Kumar Pandey, learned counsel for the respondents is present.

2. Learned counsel for the respondents submitted that the order in respect of which this contempt proceeding is pending, has been substantially complied by the respondents in letter and spirit and as no one is appearing on behalf of the petitioner since several dates, therefore, the contempt proceedings may be closed. In this regard our attention has been drawn to the order dated 05.08.2021 passed in instant Contempt petition.

3. Heard and perused the record.
4. On 05.08.2021, we had passed the following order :-

“We have joined this Division Bench online through video conferencing.

No one is present on behalf of the petitioner. Shri Sanjeev Kumar Pandey, ld. counsel for the respondents is present in Court.

MA No.1462/2021 is an urgency application filed by the respondents in this contempt petition. As the contempt petition is listed today, the urgency application has become infructuous and is disposed of as such.

Learned counsel for the respondents submitted that the order in respect of which, this contempt petition is pending, has already been complied by the respondents.

Our attention has been drawn to the order sheet dated 07.02.2019, whereby this Tribunal had given opportunity to the petitioner to file objection against the compliance affidavit, if any, within one week. However, since 07.02.2019, a considerable time has expired, but no objection has been filed against the compliance affidavit till today.

In these circumstances, learned counsel for the respondents has prayed that the contempt proceedings may be closed and notices be discharged.

As today no one is present on behalf of the petitioner, last opportunity is granted to the petitioner to appear and to file objection, if any, against the compliance affidavit.

It is made clear that in case, the objection is not submitted before the date fixed, the contempt proceeding shall be closed.

List on 10.08.2021.

Copy of the order be provided to the respondents' counsel as prayed.

Hon'ble Shri Tarun Shridhar, Member (Administrative) has consented to this order during virtual hearing.”

5. The instant contempt petition has been filed alleging the non compliance of the interim order dated 01.11.2018 passed in OA No.1107/2018 whereby a direction was given to the General Manager (Personal) North Eastern Railway, Gorakhpur, to permit the applicant Anand Anweshi to continue to work at Gorakhpur Cantt till final orders are passed in OA by the Tribunal.

6. Annexure No.1 of counter reply filed by the respondents is the order dated 20.12.2018 passed by the respondents permitting the applicant/petitioner to join temporarily at Gorakhpur till final decision of OA. In wake of the aforesaid order and keeping in view that the petitioner is not appearing, he is still absent today also and in para 9 of the compliance affidavit filed by the respondents, it is clearly mentioned that the order has been complied with, the instant contempt

proceedings are liable to be closed and are closed and notice issued to the respondents stands discharged.

7. All the MAs pending in this contempt petition are disposed of as having being infructuous.

(Tarun Shridhar)
Member(Administrative)

(Justice Vijay Lakshmi)
Member(Judicial)

RKM/