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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Civil Misc. Contempt Appln. No. 11 of 1987

IN

Registration (O.A) Nos. 157 & 158 of 1987

Ram Bilas & another Applicants.

Versus

Surya Dutt Sharma, D.R.M.,
N.E. Railway, Izatnagar, Bareilly ... Respondent.

Hon'ble Ajay Johri, A.M.
Hon'ble G.S. Sharma, J.M.

(Delivered by Hon. Ajay Johri, A.M.)

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This is a contempt application under Section 17 of the Administrative Tribunals Act, 1985. The applicants Ram Bilas and Jamil Ahmad have filed the application against the Divisional Railway Manager, Surya Dutt Sharma, of the North-Eastern Railway for flouting the directions issued by this Tribunal on 3.3.1987 in Registration (O.A.) Nos. 157 and 158 of 1987.

2. The operative part of the orders given by this Tribunal in the Registration (O.A.) No. 157 of 1987 reads as follows :-

"2. We heard the learned counsel for the petitioner at length at the admission stage. What the petitioner wants is the compliance of the order of the Hon'ble Supreme Court in his Writ Petition No. 562 of 1983. Without commenting on the merits of the case of the petitioner as well as on the fact whether after the dismissal of his first appeal dated 16.10.82,

a Second Appeal lies against his dismissal or not, we feel that there is nothing for adjudication in this case by the Tribunal. The Hon'ble Supreme Court is the highest court of the country and in case an appeal against the dismissal orders of the petitioner lies in accordance with the directions of that court, it is the bounden duty of the DRM to dispose it of in accordance with law."

3. We directed the respondents ³¹ ~~that the respondents~~ ³¹ that the appeal dated 30.9.1985, if any, preferred by the applicants should be disposed of by them in accordance with law within four months.

4. In Registration (O.A.) No.158 of 1987 ³¹ ~~also~~ ³¹ similar observations were made.

5. The respondents have in their reply said that the appeal of applicant no.2 could not be decided by the appellate authority inasmuch as the applicant no.2 filed a Writ Petition before the Hon'ble Supreme Court and the proceedings were stayed by the Hon'ble Supreme Court. In accordance ³¹ ~~of~~ ³¹ the decision of the Hon'ble Supreme Court the representation filed by the applicant no.2 on 12.9.1985 was decided and ³¹ ~~communicated~~ ³¹ to the applicant on 30.10.1985. As far as applicant no.1 is concerned he had filed an appeal on 16.10.1982 which was decided and the decision/communicated on 12.11.1982. No appeal dated 30.9.1985 was filed by applicant no.1.

6. In the Supreme Court's judgment of 11.7.1985 in the case of Union of India v. Tulsiram Patel (A.I.R. 1985 S.C. 1416) and other appeals the final orders mentioned so :-

"..... We direct the appellate authority under Central Industrial Security

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8. In para 11 of this application the Hon'ble Supreme Court's orders have not been fully reproduced. We have extracted them in para supra. The directions given by the Hon'ble Supreme Court for filing appeals were for only those whose appeals had not been decided

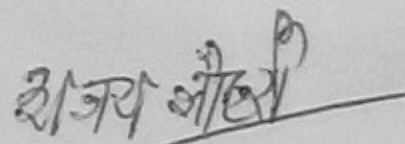
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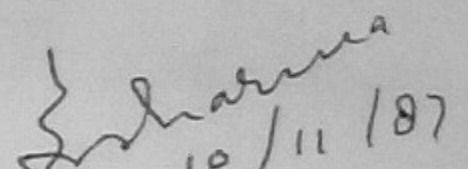
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and who had not filed the appeals. Applicant no.1 had appealed against the punishment and his appeal had been disposed of in 1982, while applicant no.2's appeal has also been since disposed of by the respondents. This petition has evidently been filed under wrong interpretation of the Hon'ble Supreme Court's orders.

9. We thus do not find any contempt or any attempt on the part of the respondent to obstruct the course of justice consequent to our orders in the two applications passed on 3.3.1987.

10. Under the circumstances this contempt application is dismissed.


Member (A).


10/11/87
Member (J).

Dated: November 10th, 1987.

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