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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Contempt Application No. 76 of 1996
In
Original Application No. 1551 of 1992
Allahabad this the 30th day of April 1997

Hon'ble Dr. R.K. Saxena, Member (J)
Hon'ble Mr. D.S. Baweja, Member (A)

K.C. Srivastava Son of Late Sri Jai Prakash Lal,
Retired Office Superintendent-II, D.R.M. (P), N.E.
Railway, Varanasi.

Applicant

By Advocate Sri H.S. Srivastava

Vs

1. Shri C.L. Kaw, Chairman, Railway Board, Rail Bhawan, New Delhi.
2. Sri Som Nath Pandey, General Manager, N.E. Railway, Gorakhpur.
3. Sri Trilok Nath Perti, Divisional Railway Manager, N.E. Railway, Varanasi.

Opp. Parties

By Advocate Sri Lalji Sinha

O R D E R

By Hon'ble Dr. R.K. Saxena, Judicial Member

The applicant - K.C. Srivastava has filed this contempt petition with the prayer that the opposite parties be punished for non-compliance of the judgment of the Tribunal given in the O.A. No. 1551 of 1992 K.C. Srivastava Vs. Union of India and Others, decided on 15.11.1995.

2. The opposite parties have filed the counter-reply and it is averred that the Tribunal had dismissed the petition but at the same time some observation was made that the Railway Board should consider the anomalies as were indicated. Accordingly, the Railway
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Board is claimed to have considered the anomalies and amended the earlier instructions. ^tThe copy of which has been brought on record. It is further contended that the case of the applicant shall be considered in the light of the amended circular dated 31.12.1996 of the Board. In the end, unqualified apology was also tendered.

3. The applicant did not file any rejoinder despite the fact that sufficient opportunity was given. The result, therefore, is that the applicant was debarred from filing any rejoinder.

4. We have heard the learned counsel for the parties and have perused the record.

5. The perusal of the copy of judgment in O.A. No. 1551/92 K. C. Srivastava Vs. Union of India and Others decided on 15/9/95 reveals that the O.A. was dismissed. It was clearly held that the applicant was not entitled to the benefit of appointment on compassionate ground and the relief claimed was not admissible to him. Thus, so far as the matter related to the applicant was ^Lcon-
~~cerned~~^t, it was negatived. The Tribunal, however, made certain observations pointing out the anomalies in the instructions contained in the letter dated 27/6/1990, and the provisions of Para 529 of the Indian Railway Medical Manual. It was expected of the Railway Board to have considered that aspect for removal of the anomalies. That observation or the compliance or non-compliance thereof had no direct bearings on the case of the applicant.

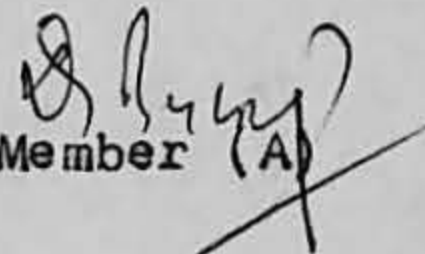
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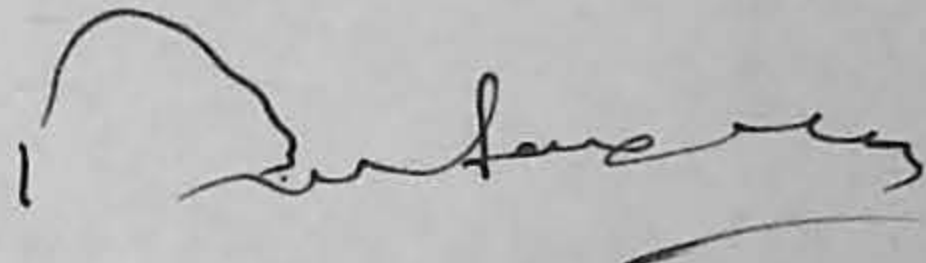
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Apart from it, the opposite parties have brought on record the circular dated 31.12.1996 and other connected letters to establish that the @matter about removal of anamolies as pointed out earlier was considered by the Board and necessary instructions were issued. In view of this fact, we do not find any case of contempt. The contempt proceedings are, therefore, dropped and notices issued to the opposite parties are discharged.


Member (A)


Member (J)

/M.M./