

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL. BENCH

ALLAHABAD

DATED : THIS THE 1st DAY OF APRIL 1997

CORAM : Hon'ble Dr. R. K. Saxena JM  
Hon'ble Mr. D. S. Baweja AM

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Contempt petition no. 93 of 1994

IN

ORIGINAL APPLICATION NO.307 of 1992

Ghanshyam Das Sahu s/o Narayan Das Sahu,  
resident of 130 Sūje Khan Khirki,

Jhansi ----- Applicant

C/A Sri R. K. Nigam

Versus

1. G. N Pandey, Genral Manager,

Central Railway, Bombay,,

Jhansi. ----- Respondents

C/R Sri V. K. Goel

ORDER

By Hon'ble Dr. R. K. Saxena JM

This contempt proceeding has been started on the application of Ghanshyam Das Sahu. The contention of the applicant is that this Tribunal had given judgment on 28.4.1993 in OA 307/92 Ghansyam Das Sahu Versus Union of India and others, directing the respondents to fix a supplementary test for the applicant within a period of 2 months from the date of communication of the order and to reinstate him. Further direction was

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that if the applicant succeeded in screening, he should also be absorbed and regularised in the same manner in which similarly placed other persons were absorbed and regularised. This direction was also to be complied with within 2 months after holding the examination. The applicant has come with the prayer that because opposite parties have failed to comply with the directions, they should be punished.

2. The Opposite parties have filed counter-affidavit and supplementary counter-affidavit. The applicant has filed rejoinder to the main counter affidavit, but no supplementary rejoinder to supplementary counter was filed despite several opportunities having been given to him. The contention of the Opposite parties is that the compliance was done. In the rejoinder, which has been filed by the applicant, it was admitted that compliance was made but belated. We also found that the direction was given to the respondents on 28.4.1993, but consequential order was passed on 2.9.1995 and 10.4.1995. The delay is definitely there. Shri V.K.Goel submits that the department was facing some problems, which were ultimately solved by his own efforts and thus the delay was caused. He, therefore, pleads that the delay is excusable. It is generally seen that promptness in compliance is not shown. If the delay is to take place on account of unavoidable reasons, method seeking extension of period for compliance is also available. Thus unnecessary <sup>delay</sup> which has also not been properly explained, is not approved by us. We hope that the respondents <sup>should</sup> behave like a model Employer so far as employees are concerned. and the compliance of the directions of the court and Tribunal are ~~done~~ <sup>concerned</sup>.

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This time we do not take any serious view about it, but it should not be repeated, we hope.

3. The contempt proceedings are dropped and notices issued are discharged.

*G. B. W. S.*  
Member (A)

*[Signature]*  
Member (J)

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