

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 196 of 1993

Allahabad this the 09th day of August, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon'ble Mr.M.P. Singh, Member (A)

Chhabi Nath, S/o Sri Budhu Ram R/o Village;
Baghera Khurd, P/o Kushaha, Distt. Mirzapur.

Applicant

By Advocate Shri Anand Kumar

Versus

1. Union of India through General Manager,
N.Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern
Railway, Allahabad.
3. Divisional Engineer, Northern Railway,
Mirzapur.

RESPONDENTS

By Advocate Shri D.C. Saxena

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

On the move of Shri Chhabi Nath, this Tribunal was pleased to issue direction to the respondents vide order dated 22.8.1988 and in pursuance of those directions, vide letter dated 26.7.1989, the Divisional Engineer, Northern Railway, Mirzapur directed Assistant Engineer, P.Q.R.S. Chunar to appoint the applicant in compliance of

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Court order but the Junior Engineer could have so much teeth in his mouth that neither he cared for Court order nor complied with the order from his superior and refused appointment ~~to~~^{to be} the applicant. Therefore, the applicant has again knocked at Tribunal.

2. The respondents have contested the case and filed the counter-reply.

3. Heard, the learned counsel for the parties and perused the record.

4. We are surprised from the arguments placed by Shri D.C. Saxena, a very senior counsel of the Tribunal, who asserts to justify the action of Junior Engineer, who flouted the Court's order and he cited the law as came up subsequent to the order, in question, of the Tribunal. The position is quite clear, unless until the Court order is ~~not~~^{is} stayed, vacated or set aside by proper forum, it has force of law and cannot be ignored. The learned counsel for the applicant mentions that he is more interested in the remedy than ~~in~~ⁱⁿ any other action for this act of respondents and, therefore, we find it proper to afford another opportunity to the respondents to comply with the direction of this Tribunal, as given in the above referred O.A.

5. The respondents are directed that in the light of observation in O.A. No.906 of 1988

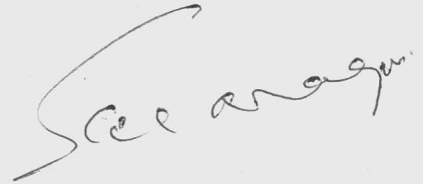
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decided on 22.8.1988, examined the case of the applicant about his working as Casual Gangman in the past and consider him for regular appointment on his turn in the light of the direction issued by General Manager, Northern Railway, in his letter dated 20.8.1987 and also in accordance with annexure A-2 to this O.A. The action be taken within 8 weeks from the date of communication of this order. The O.A. is disposed of accordingly.

No order as to costs.



Member (A)



Member (J)

/M.M./