

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, ALLAHABAD

Dated: this the 15th day of February, 1996

Contempt Petition No. 21 of 1996 IN, 1996

ORIGINAL APPLICATION NO. 773/92

Hon'ble Mr. S. Das Gupta A.M.

Hon'ble Mr. T.L. Verma J.M.

Smt. Tejiya wife of Late Parsadi Kahar,
resident of qasba Badausa, District Banda.

C/A Sh B.S. Chauhan - - - - - Petitioner

Sh. R.C. Gupta

VERSUS

The Divisional Railway Manager (Personnel),
Central Railway, Jhansi, Jhansi Division.U.P.

C/A Sri A.K. Gaur - - - - - Respondents

ORDER

This contempt application was filed alleging non-compliance with the direction contained in order dated 5.6.1992 by which O.A. 773 of 1992 was disposed of.

2. Operative portion of the order reads as follows :

" Having considered all the view points and all the aspects of the matter, I find that the ends of justice would substantially be met if the respondent no. 2 the D.R.M(P).C.RLY, Jhansi, be directed to consider the

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representation of the applicant dated 28.6.1989, 4.4.90, 19.7.90, 16.4.1991, 10.11.91, 2.1.92 and 23.3.92 (annexures A-4 to A-10 to the application) from proper perspective by reasoned and speaking order, keeping in view the facts as mentioned in Annexure A-1, A-7 and A-3 to the application, for providing a suitable job preferably as Hot weather water-women, to the applicant within a period of one month from the date of receipt of the copy of this order and I order accordingly -

The application of the applicant is disposed of at admission stage in the above terms without any order as to costs. "

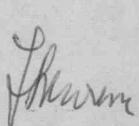
3. The allegation in this counter affidavit is, however, that direction has not been complied with.

4. Respondents have filed counter affidavit in which it has been stated that the applicant was given status of ^{dated} monthly casual labour from 2.4.1986. He last worked as Hot weather water-woman with effect from 1.4.88 to 28.7.88 at Bharatkoop station. It has further been averred that the applicant did not approach D.R.M. for her engagement as Hot weather water woman during 1989 on or before 1.4.1989 ~~the date~~ from which date Hot weather person were being engaged. The applicant therefore, forfeited her claim for her engagement in the year 1989 as well as in the subsequent years. The respondents have annexed copy of the order dated 20.3.1993, by which the representation of the applicant has been rejected, indicating the aforesaid reasons.

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5. Since the order of 20.3.1993 is a reasoned order, It is in specific compliance of the order/direction contained in the order dated 5.6.1992. Further ^{then} these reasons are tenable and are within the frame work of the extant rules. Therefore this does not come under the ambit of contempt application. There is, however, no doubt that some delay in making compliance with the Tribunal order has occurred, but the reason for the delay has been explained in para 7 of the counter affidavit which do not appear to be un-acceptable.

6. Inview of the foregoing, we find that there has been no deliberate ^{or} wilful disobedience to the Tribunal order. The contempt application is dismissed. Notices issued are discharged.


J.M.


A.M.

Siddiqui