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Contempt Application No. 17 of 1994

In

Original Application No. 1712 of 1993

Hon'ble Mr. S. DAS GUPTA, A.M.

Hon'ble Mr. T.L. VERMA, J.M.

Ram Vishal

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Applicant

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Sri Rama Shankar, ::::: ::
Assistant Engineer,
Northern Railway,
Fatehpur.

Respondent

C/A Sri S. Dwivedi

C/R Sri D.C. Saxena

O R D E R (Oral)

By Hon'ble Mr. S. Das Gupta, Member (A)

None for the applicant. Sri D.C. Saxena present on behalf of the respondents. This case has been adjourned on several occasions in the past on the request of counsel for either of the parties. The pleadings are complete. We consider it appropriate to go through the pleadings and decide the matter instead of adjourning the case.

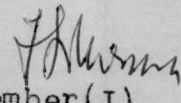
2. This contempt application was filed for allege non-compliance with an interim order passe by ~~the~~ bench of this Tribunal on 25.11.1993 in O.A.No. 1712/93. It was stated in the interim order

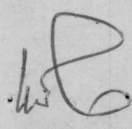
that incase the petitioner has not ^{been} relieved from his post at Fatehpur, he may not be disturbed till the next date ~~of~~ hearing. It has been alleged that this order has been violated by the respondents by not allowing the applicant to work at Fatehpur and denying him the salary.

3. The respondents have filed ~~the~~ counter-affidavit in which a plea has been taken that as the stay vacation application was pending before the Tribunal and no order had been passed on the same, the contempt proceedings could not have been initiated as per the law laid down by the Hon'ble Supreme Court in the case of State of J & K Vs. Mohd. Yaqoob Khan. ~~The applicant has filed~~

4. The applicant has filed rejoinder-affidavit in which it has not been denied that such application was pending before the Tribunal.

5. We have ~~also~~ seen that the ~~same~~ O.A. has since been dismissed. In view of the fact that a stay vacation application was, admittedly, pending before the Tribunal when the contempt proceedings were drawn up, we are, ~~therefore~~, of the view that contempt application is not maintainable. The same is therefore, dismissed and notices issued to the respondents are discharged.


 Member (J)
 28.4.1995


 Member (A)