

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH,
ALLAHABAD.

Dated : Allahabad this 13th day of Nov.1996.

Coram : Hon. Mr. S. Das Gupta, Member-A
Hon. Mr. T. L. Verma, Member-J

Civil Misc. Contempt Application No. 199 of 1994

Shyam Bahadur Singh son of Suraj Pal Singh,
Resident of 319/E, G.R.P. Colony,
Leader Road, Allahabad.

....Applicant

(C/A Sri S.C.Tripathi, & Sri MK Upadhyay)

Versus

Shri Anirrudh Kumar Jain, Divisional Railway
Manager, Northern Railway, Allahabad.

...Respondent.

(C/R Sri A.K.Gaur)

IN

Original Application No. 1730 of 1993.

Shyam Bahadur Singh.....Applicant.

Vs.

Union of India and others...Respondents.

ORDER (Oral)

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

This contempt application was filed
alleging non-compliance with the direction
contained in the order dated 6.12.1993 by
which a bench of the Tribunal had disposed
of O.A.No.1730 of 1993.

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2. It appears from the order passed by the Tribunal that the O.A. was disposed of in limine without issuing any notice to the respondents. The direction to the respondents was to consider a representation of the applicant, and to dispose of the same by a reasoned and speaking order.

3. It has been settled by the Hon'ble Supreme Court in a recent decision that no substantive direction can be issued without giving an opportunity to the respondents to file a reply. Also in case of Rikhi Ram a Full bench of the Tribunal has held that ~~the~~ if a substantive direction^{is} issued to the respondents without obtaining the reply, such a decision can be suo-moto reviewed and recalled, in case any contempt proceeding has been initiated for non-compliance with such direction.

4. It is clear that the order dated 6.12.1993 passed by the Tribunal was in limine without issuing notice to the respondents.

5. In view of this, this order can be suo-moto reviewed and recalled. In any case the respondents have filed a counter reply in which it has been specifically averred that the Tribunal's direction has been complied with by considering and disposing of the representation of the applicant by reasoned order dated 12.1.1996. A copy of ~~the~~ the aforesaid order has also been annexed to the counter-reply. This order appears to be speaking

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and reasoned. We are, therefore, satisfied that direction of the Tribunal has been substantially complied with. There is no Rejoinder-Affidavit filed by the applicant *to rebut the contents of the respondents*

6. In view of the foregoing, the contempt proceedings are dropped. The notice issued to the respondent is discharged.

Jh.
MEMBER (J)

W
MEMBER (A)

(Pandey)