

3 AL 2

3 18.05.95

Hon. Mr. S. Das Gupta AM
Hon. Mr. T. L. Verma JM

40. The learned counsel for the applicant

Mr. T. L. Verma and learned counsel for the respondents have sought adjournment. No CA has been filed so far, further four weeks time is allowed for filing of CA. If any, may be filed within two weeks, thereafter. List this case for hearing on 25.8.95 at Order/direction on 25.8.95.

41. The learned counsel for the respondents has sought adjournment.

42. The learned counsel for the respondents has sought adjournment.

WL
AM

43. OR

44. Counter filed on dt 25.8.95 Hon. Mr. Justice B.C. Saksena, VC

45. 23.5.95 No P.A. Hon. Mr. S. Das Gupta, A.M.

46. This contempt petition was filed on the basis of the allegation that the direction issued

47. Subm. Heel

48. by this Tribunal in OA 1262/92 which was decided

49. on 14.7.94, has not been complied with. A counter

50. has been filed on behalf of the respondents and

51. it has been indicated that the DRM had passed an

52. order disposing of the applicants representation

53. dated 24.3.93 and the applicant was accordingly

54. advised on 31.1.95 about the decision taken on the

55. applicants representation.

56. The learned counsel for the applicant

57. has filed a misc. application today and seeking the

58. impleadment of Sri A.K. Banerjee

1/2

General Manager, Central Railway Bombay as a necessary party. It is stated that the applicants representation was to be decided by the General Manager alongwith the contempt application, copy of a notice dated 17.10.94 issued by one Sri A.D. Abbas, Advocate on behalf of the applicant had been filed. The notice besides being addressed to the G.M. Bombay was also addressed to the Divisional Manager Central ^{Railway} ~~Bombay~~, Jhansi and sought the compliance with the order passed in the OA. Further we find that a representation dated 24.1.95 addressed to the DRM(P) Central Railway Jhansi has Annexure A-6 to the contempt petition. Through this application the DRM(P) was requested to comply with the direction issued by this Tribunal so as to avoid contempt of court proceedings against him. In the circumstances, if the DRM has taken a decision on the applicant's representation his action cannot be faulted. The application seeking impleadment of the General Manager was already disposed of the representation before the applicant and thus compliance to the direction issued by the Tribunal has been made is wholly unwarranted and misconceived. The miscalled application is rendered in the contempt application for the reasons indicated also calls for no further orders, it is also being disposed off. The notices issued to the respondents are also discharged.

W.C.
A.M.

B.C.
VC