

CCA 20/95

OA 1262/92

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AP
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(3)

18.05.95

Hon. Mr S. Das Gupta AM

Hon Mr T. L. Verma JM

Shri H.P. Pandey learned counsel for the applicant. Learned counsel for the respondents has sought adjournment. No CA has been filed so far, further four weeks time is allowed for filing CA. RA, if any, may be filed within two weeks, thereafter. List this case for order/direction on 25.8.95

Rv

JM

wf
AM

OR

Counter filed on dt 23.5.95 No R.A. has been filed so far.

25.8.95 Hon. Mr. Justice B.C. Saksena, VC

Hon. Mr. S. Das Gupta, A.M.

Submitted
24.8.95

This contempt petition was filed on the basis of the allegation that the direction issued by this Tribunal in OA 1262/92 which was decided on 14.7.94, has not been complied with. A counter has been filed on behalf of the respondents and it has been indicated that the DRM had passed an order disposing of the applicants representation dated 24.3.93 and the applicant was accordingly advised on 31.1.95 about the decision taken on the applicants representation.

The learned counsel for the applicant has filed a misc. application today and seeks the impleadment of Sri A.K. Banerjee

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General Manager, Central Railway Bombay as a necessary party. It is stated that the applicants representation was to be decided by the General Manager along with 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, 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 was 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 ~~misc.~~ 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.

A.M

VC