

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Allahabad this the 5th day of April 1995.

Contempt Petition no. 29 of 1995

In

Original Application no. 877 of 1994.

Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. Jasbir S. Dhaliwal, Judicial Member.

Ashok Kumar, S/o Shri Dhani Ram, R/o Village Nasar Seda
Post Khambaila, Distt. Kanpur.

... Applicant.

C/A Shri B.N. Singh.

Versus

- i. Shri Chahitay Ram, Divisional Superintending Engineer (First), Northern Railway, Allahabad Division, Allahabad.
- ii. Shri Bhaun Prakash, Assistant Engineer, (PQRS), Northern Railway, Etawah.
- iii. Shri Raj Narain Das, Chief Permanent Way Inspector (Special), Northern Railway, Shikohabad, Dittt. Ferozabad.

.... Respondents.

C/R ...

ORDER

Hon'ble Mr. S. Dayal, Member-A


This contempt petition has been filed by
the applicant for committing contempt of the order

Cont...2/-

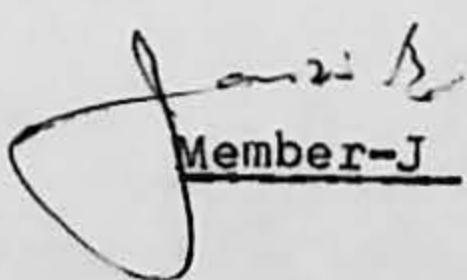
dated 10.08.94 passed by the Tribunal in OA 877/94 requiring the respondents in that case to maintain with regard to the posting of the applicant.

2. The applicant had mentioned in the OA that he was appointed as a casual worker in 1978 and given regular pay scale w.e.f. 29.08.87 on the post of gangman. He applied for the post of trolley man and was called for interview by D.R.M., Allahabad, and was selected for the post of trolley man. He claims that the applicant was relieved from the post of gangman in April 1983, without any order of promotion and he started working as trolley man w.e.f. 1993. He claims that he had been medically examined for trolley man on 08.12.83 and was declared fit for class III on the post of trolley man. He was issued passes dated 21.05.93, 25.01.94 and 09.04.94 and his post was shown as trolley man and his pay sheet also shows him as a trolley man. The applicant requested vide letter dated 09.05.94 that he should be promoted to continue on the post of trolley man. His representation dated 09.05.94 at Annexure A-6 in the OA. As to the effect that the applicant was being sent as gangman after having worked as trolley man after his successful medical examination on 08.12.93. The representation at Annexure A-6 made by the applicant through his counsel to the respondents regarding the alleged disobdience of the order passed by the Tribunal in OA no. 877/94 on 10.08.94. The applicant has represented that railway administration was promoting Shri Ashok Kumar on the post of trolley man without passing any

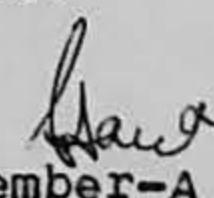
// 3 //

order in writing. The order of the Tribunal dated 10.08.94 has been taken by the applicant as authorisation to be promoted to work on the post of trolley man. The order of respondent no. 2 annexed at Annexure A-4 shows that 'Shri Dhani Ram C.P.C gangman was being assigned duty in accordance with the order of Assistant Engineer P.Q.R.S. Annexure A-5 to the contempt petition shows that the applicant was on leave due to illness on 13.05.94 to 03.06.94. It also shows that when he went to give his joining report on 25.09.94 which was the Sunday and further on 26.09.94 , he was asked to work as a gang man . The applicant has given the payslip for the month of April 1994 in Annexure A-1. Since the applicant has not produced any order of promotion or appointment to the post of trolley man and had been originally appointed as a gangman as can be seen from the facts given in paragraph 4(i) of the OA and has also admitted in paragraph 4 (iii) that he was put as a trolley man without any order of promotion/appointment, he does not establish that he was working as a trolley man after the month of April 1994. Therefore, the contempt petition is not admitted as it fails to establish that any contempt of the order of the court has been committed by the respondents.

3. There shall be no order as to costs.


Member-J

/pc/


Member-A