

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Contempt Application No. 34 of 1995

In

Original Application No. 1444 of 1994

Allahabad this the 9/5 day of March 1995

Hon'ble Mr. S. Dayal, Member(A)

Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

Shri Karam Chand, A/a 48 years, S/o Sri Bhagwan Das,
R/o Mohalla - Shakti Colony, P.O. Arogya Mandir,
Basaratpur, Gorakhpur

Applicant.

By Advocate Shri K.C. Sinha-

Versus

1. Shri K.M. Rao, General Manager, N.E. Railway,
Gorakhpur.
2. Shri A.K. Misra, Chief Personnel Officer,
N.E. Railway, Gorakhpur.
3. Shri Amitabh Khare, Deputy Chief Personnel Officer
(G), N.E. Railway, Gorakhpur.

Respondents.

O R D E R

By Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

Heard, Sri K.C. Sinha, learned counsel
for the applicant.

2. The plea for proceeding under Contempt of Courts Act is based on an order dated 08.11.1994 passed by this Tribunal by a bench in which one of us (Jasbir S. Dhaliwal) was a member. While issuing notice to the respondents in O.A. No. 1444/94, a direction was issued to consider the representation dated 05.3.1994 filed by the petitioner, within a

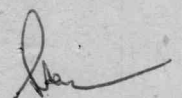
period of 2 months before finalisation of the result of the D.P.C. Today it is argued that the representation has been rejected by the respondents which has been intimated to the petitioner through letter dated 14.12, 1994 (Annexure A-5) i.e. the date on which orders of promotion of two persons as a result of the D.P.C. were issued. He argues that the representation was not considered before finalisation of the D.P.C. and thus, action be taken against the respondents.

3. When order were passed in O.A.No--1444 of 1994, the direction was issued on specific request of the learned counsel for the petitioner mentioning that it may be considered that objection may come from the respondents that the representation filed by the petitioner is still pending and the O.A. should not be taken to be ~~in~~ filed in haste. The pleadings shows that process of D.P.C. consists of many stages and facts mentioned in this petition go to show that a large part of it had been gone through by the respondents. Important fact was that representation of the petitioner should be considered by the respondents. A reading of Annexure-5 shows that the representation has been considered in detail with a reasoned order.

We do not find that the respondents have disobeyed the directions issued by this Tribunal wilfully so as to deserve treatment under the Contempt of Courts Act. Rights of the petitioner are subject matter of O.A. No. 1444 of 1994 which will be decided on merits. Just because, in point of time, the letter conveying the decision on the representation happens to bear the same date as the promotion orders, we do not find it to be a fit case to proceed against the respondents under the Contempt of Courts Act.

4. Finding that no wilful disobedience of directions of this Tribunal is made out, this petition is dismissed at the admission stage.


Member(J)
/M.M.A/


Member(A)