

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

DATED: THIS THE 20th OF MAY 1996

C.C.A. 77/95
IN
O.A. 1939/93

HON'BLE MR. S. Das Gupta. AM
QUORUM: Hon'ble Mr. T. L. Verma. JM

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1. Ram Behari s/o Gabu
r/o village Simaria. P.O. Panchara,
district Jalaun (U.P.)
 2. Goti Ram s/o Budhu, r/o village
Taharpura, P.O. Panchara,
District Jalaun.
 3. Mangal Singh s/o Gayadin,
r/o village Taharpura, P.O.
Panchara, District Jalaun.
 4. Mulayam Singh s/o Member Singh
r/o village Sahpura, P.O. Somai
district Jalaun.
 5. Dayal Singh s/o Moti Lal
r/o village Sahpura,
P.O. Somai, district Jalaun .
 6. Hargovind s/o Umrao,
r/o of village Sahpura, P.O. Somai,
district Jalaun. _ _ _ _ _ Applicants
- C/A Sri O.P. Gupta.

VERSUS

1. Sri A.K. Banerjee, General Manager,
Central Railway, Bombay V.T.
2. Sri R.N. Aga, Division Railway Manager,
Central Railway, Jhansi

C/R Sri A.K. Gaur

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ORDER (Oral)

By Hon'ble Mr. S.Das Gupta A.M.

This contempt application was filed, alleging non compliance with the direction contained in the order dated 6.4.1994 by which, a bench of this Tribunal had disposed of O.A.No.1939/93 at the admission stage.

The operative portion of the order reads as follows :

" The authority concerned shall consider the case of the applicants in the light of the scheme framed. He shall give the decision as expeditiously as possible but not beyond the period of three months from the date of communication of this order. If the authority decides to reject the case of the applicant, it should be supported with reasoned and speaking order. "

2. That applicant has alleged that despite communication of the Tribunal's order to the respondents by the applicants alongwith their letter dated 27.5.1994 followed by representations through their counsel, respondents have taken no action in complying with the direction of the Tribunal.

3. The respondents have filed counter affidavit, in which it has been stated that the direction of the Tribunal has since been complied with and although there has been some delay in ensuring compliance, such delay was beyond the control of the respondents as it required

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verification of 10 years old casual labour card. It has further been submitted that the applicants² case has been considered in the light of the scheme framed by the respondents and the applicants have been informed by letter dated 6.10.1995 (annexure I to the CA) that their case do not come within the purview of the scheme. They have submitted that although the order was passed ex-parte, they have fully complied with the order.

4. The applicants have filed R.A. in which it has been submitted that the direction of the Tribunal has not been complied with as they have not submitted any proof to show that they have considered the cases of the applicants in the light of comprehensive scheme framed by the Railway Board.

5. We heard learned counsel for the parties and perused the records.

6. We have noted in the first place that the direction of the Tribunal was given ex-parte without issuing notices to the respondents. In a recent decision a full bench of the Tribunal has held that direction given without issuing notices to the respondents are liable to be recalled by making suomoto review. ~~However~~ ^{Moreover}, we have noted that the respondents have issued a letter to the applicants in which reasons for holding that their cases are not governed by the scheme of the respondents have been explained. It is ^a speaking order and therefore, direction of the Tribunal has been fully complied with.

In view of the foregoing, we see no reason to continue the proceedings for contempt of court. Proceedings are dropped and notices issued are discharged.

J.M.
J.M.

A.M.
A.M.