

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 26TH DAY OF FEBRUARY 1997

Civil Contempt Application No. 81 of 1995

In

Original Application No.861 of 1994

HON.MR.JUSTICE B.C.SAKSENA,B.C

HON.MR.D.S.BAWEJA, MEMBER(A)

Deepak Singh, s/o Shri Anant
Ram Singh, 11, K.G. Tola, Rani
Mandi, Allahabad.

.... Applicant

Versus

1. Shri V.K. Agarwal,
General Manager,
Northern Railway, Baroda House
New Delhi.
2. Shri Anurudh Kumar Jain
Divisional Railway Manager,
Allahabad.

... Respondents

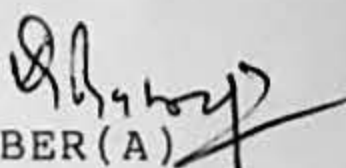
O R D E R(Oral)

JUSTICE B.C.SAKSENA,V.C

We have heard the learned counsels for the parties. The contempt petition has been filed on the ground of alleged disobedience by the respondents to an order dated 22.5.94 passed in OA 861/94. The said order had been passed at the admission stage without issue of notice to the respondents and certain directions have been given for regularisation of the applicant. The respondents by means of Annexure 2 have indicated that the applicant's case for regularisation can be considered only on the basis of his length of service in the unit concerned. The applicant's case is that this condition indicated in the order passed by the respondents is contrary to the order passed in the O.A.

2. The counter affidavit and rejoinder affidavit have been exchanged between the parties. Shri A.K. Gaur learned counsel for the respondents has ~~been in the view of direction of the~~ *raised a preliminary objection about*

maintainability of the contempt petition. He submits that the order of the Tribunal, ^{of} which it is alleged that there has been ~~alleged~~ disobedience, ^{is an} ~~and~~ ^{which} exparte order, ^{was passed without} ~~issuing notice to the respondents. For~~ ~~show cause notice.~~ ^{Bob} The learned counsel cited a decision of the Division Bench of the Principal Bench reported in (1993) 25 ATC pg.15 Nikhi Ram Vs. Union of India and Ors. There in when a contempt petition came up for consideration wherein it was stated that the respondents had disregarded the direction given earlier in an OA, ^{the} Division bench took the view that suo moto review of the order while considering the contempt petition is competent to be done by another Bench also. We are in agreement with the said view and accordingly suo moto we recall the order dated 27.5.94 passed in OA 861/94 and direct that the said OA shall be restored to its original number and shall be listed for admission. Shri A.K. Gaur learned counsel for the respondents in this contempt petition on our direction has agreed to accept notice on behalf of the respondents of the said O.A. The learned counsel for the applicant shall furnish ^{necessary} ~~fresh~~ copy ^{ies} of the OA to Shri A.K. gaur within ten days from today. The respondents will have six weeks thereafter to file counter. The applicant will have two weeks thereafter to file rejoinder. The OA shall be listed for orders on 13.5.97. Copy of the order may be furnished to Shri A.K. gaur. The contempt petition accordingly fails and is disposed of. Notices issued to the respondents are discharged.


MEMBER (A)


VICE CHAIRMAN

Dated: 26th Feb: 1997