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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD

Dated : Allahabad this the 12th day of February, 1996.

Coram : Hon'ble Mr. S. Das Gupta, Member-A  
Hon'ble Mr. T. L. Verma, Member-J

CIVIL MISC. CONTEMPT APPLICATION NO. 103 of 1995.

IN

ORIGINAL APPLICATION NO. 1789 of 1993.

1. Rajendra Singh son of Shri Makardhwaj Singh,  
Resident of Village & Post Office Chilkahar,  
District Ballia.
2. Smt. Lal Bachi Devi W/o. Shri Makardhwaj Singh,  
Resident of Village & Post Office Chilkahar,  
District Ballia.

.....Applicants.

(BY ADVOCATE SHRI SHYAM NARAIN & SRI GOPAL NARAIN)

Versus

1. Sri V. K. Agarwal, General Manager,  
Northern Railway, Baroda House, New Delhi.
2. Sri M. Vasudevan, Chief Commercial Superintendent,  
Northern Railway Station Building Varanasi.
3. Sri Dharam Singh, Deputy Chief Commercial  
Superintendent, Northern Railway Station  
Building, Varanasi.
4. Sri G. K. Khare, Chairman, Railway Board,  
Rail Bhawan, New Delhi.

Opp. parties/...Respondents.

(BY ADVOCATE SHRI PRASHANT MATHUR)

O R D E R(Oral)

(By Hon. Mr. S. Das Gupta, Member-A)

This contempt application is filed for non-compliance with the directions contained in the order dated 27.10.1994 by which O.A.No.1789/93 was disposed of. It is alleged that until filing of this  
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contempt application, order of Tribunal has not been complied with by the respondents although a copy of the same was given to the respondents by communication dated 21.11.1994. Operative portion of the order dated 27.10.1994 reads as follows :-

"The impugned orders dated 15.7.1992 and 5.8.92 have already been discussed earlier as non-speaking ones. They are quashed. The respondents are directed to consider the case of the applicant on the basis of information already furnished by him de novo in the light of the facts of the case and the extant instructions on compassionate appointments and communicate to the applicant their decision in the form of a well reasoned and detailed order giving full information in the order as to the requirements which his application meets and the ones which it fails to meet."

2. The respondents have filed a counter-affidavit, in which it has been stated that as per the direction of the Tribunal, the case of the applicants for compassionate appointment has been considered and thereafter it has been rejected by order dated 29.6.1995 and a copy of which is at Annexure-CA-1. The applicants have filed Rejoinder-affidavit, in which a plea has been taken that the aforesaid order passed is a non-speaking order and therefore, there is no compliance with the Tribunal's direction. It has also been pointed out that this order has been passed only after the contempt application was filed.

3. We have heard the learned counsel for both the parties and perused the record.

4. The order dated 29.6.1995 passed by the respondents indicates that this is an implementation of the Tribunal's order dated 27.10.1994. We have seen

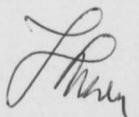
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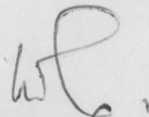
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therefrom that the applicant's case for compassionate appointment has been rejected and the reasons for rejection have been set-out in the aforesaid order. It cannot therefore, be said that it is a non-speaking order, without giving reasons. Being a reasoned and speaking order, it is in substantial compliance of the Tribunal's order dated 27.10.1994. There is, no doubt, some delay, but there is nothing on record <sup>to show</sup> that such delay was deliberate and intentional.

5. Learned counsel for the applicant argued that the reasons given for rejection of the applicant's case are not tenable. This, however, does not come within the scope of contempt application, In which it is only to be seen whether direction of the Tribunal has been complied with. Since in compliance of the direction of this Tribunal, a reasoned and speaking order has been passed though <sup>belatedly</sup> belatedly, we are of the view that no contempt has been committed by the respondents. The contempt application is, therefore, dismissed. The notices issued to the respondents are discharged.



Member-J



Member-A

Dated : February 12, 1996.

(Pandey)