

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 10th day of July 1997.

Contempt Application no. 104 of 1995
in

Original Application no. 1602 of 1993.

Hon'ble Dr. R.K. Saxena, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member

Moti Singh Kushwaha, S/o Shri Dukkhi, r/o Saidpur Post
Deokali, Distt. Ghazipur at present working under Special Asstt.
Engineer, Siwan in Gauri Bazar, Betalpur.

... Applicant

C/A Shri N.N. Lahri

Versus

1. V. Nanda, Divisional Railway Manager, N.E. Rly.,
Varanasi
2. Sri Lal Bachan Rai, Senior D.P.O., N.E. Rly.,
Varanasi.

... Respondents

C/R Shri A.K. Gaur.

O R D E R (Oral)

Hon'ble Dr. R.K. Saxena, Member-J.

These contempt proceedings have been started on the application of one Shri Moti Singh Kushwaha for his contention that the order and direction given by the Tribunal in O.A. no. 1602/93, M.S. Kushwaha vs. Union of India and others decided on 12.08.94, have not been complied with. It has been opposed on behalf of the respondents with categorical statement that the applicant was regularised as gangman and salary has been started to be paid to him.

2. The contention of the learned proxy counsel for the applicant is that the applicant had been working as bungalow-peon and, therefore, he should have been regularised and absorbed as bungalow peon. The direction which were given in the last paragraph of the order of OA 1602 of 1993, are reproduced below:-

"We, accordingly allow this application and direct the respondents to consider the applicant for regular absorption in class IV service in his turn after the regular screening by the Committee of the Officers and Fitness and Medical Examination. There will be no order as to costs."

3. It is ^{clearly} ~~still~~ clear that the Tribunal nowhere gave direction for absorption ~~of~~ a particular post. It has been accepted by the learned counsel for the applicant that the posts of Bungalow Peon and that of gangman fall in the category of Class IV services. There is no dispute that the applicant has not been absorbed at all. Thus the contention of the learned counsel for the applicant that non absorption as bungalow peon amounts contempt of the direction, is not tenable.

4. Learned counsel for the applicant further argues that even the regularisation on the post of Gangman was done after the contempt ^{proceedings} ~~was~~ started. We, again refer to the directions given by the Tribunal and we find that no time limit ^{was given} therein. What has ^{was} been directed ^{is} that the applicant should be considered absorbed ⁱⁿ his turn. It has been claimed on behalf of the respondents that the applicant was absorbed ^{directly} according to the directions on his ^{turn} ~~chance~~.

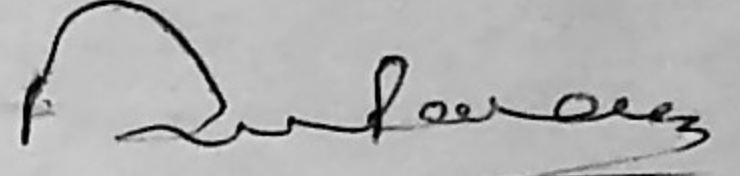
-12-

// 3 //

5. In view of all these facts, we come to the conclusion that no case of contempt is made out. The notices issued to the respondents are discharged.



Member-A



Member-J

/pc/