

CENTRAL ADMINISTRATIVE TRIBUNAL
ALIAHABAD BENCH
ALIAHABAD.

Allahabad this the 21st day of March 1997.
Contempt of Court application No. 126 of 1995.

In

Original application No. 516 of 1995.

Hon'ble Dr. R.K. Saxena, JM
Hon'ble Mr. D.S. Baweja, AM

1. Hari Chand, S/o Sri Mohan Prasad.
2. Suresh Chand, S/o Moti Ram.
3. Kundan Lal, S/o Ram Lal.
4. Zaheer Khan, S/o Prsadi Khan.
5. Ram Kishor Singh, S/o Kushal Pal Singh.

(Working under LIOW, Central Railway,
Agra Cantt.)

..... Applicants.

C/A Sri M.A. Siddique

Versus

1. Sri P.K. Saxena, Dy. Chief Engineer
(Construction), Central Railway,
Agra Cell, Gwalior.
2. Sri J.D. Singh, Assistant Engineer
(Cons), Central Railway, Mathura
Junction.
3. Sri S.G. Bijalani, Chief Administrative
Officer (Cons), New Administrative Office
Building, Dada Bhai Naroji Road, Central
Railway, Bombay V.T.

..... Respondents.

C/R Sri G.P. Agarwal

O R D E R

Hon'ble Mr. D.S. Baweja, AM

This Contempt application has been filed on
10.10.95 by five applicants alleging non implementation
of the interim stay order dated 31.5.95 in O.A.

516 of 1995.

Contd....

2. The applicants have filed O.A. 516/1995 being aggrieved on their being transferred from construction unit at Agra Cantt. Central Railway to Open Line because of being declared surplus on completion of the Mathura-Alwar Project. Vide order dated 31.5.95 interim stay order was passed directing to maintain status quo till the next date. This order was further extended on 6.9.95 till the pronouncement of the judgement.

3. The applicants submit that the copy of the interim order was served upon the respondents on 5.6.95. Respondent No. 1, Dy. Chief Engineer (Construction), Central Railway Gowaliar vide order dated 23.6.95 issued directions to the effect that all the applicants be taken on duty and Assistant Engineer (Construction) Mathura to issue further order. The applicants were taken on duty and were paid wages for the month of June and July 1995 but from August 1995 onwards, the payment has been stopped. The respondents were deliberately and wilfully disobeying the order by marking the applicants as absent.

4. The respondents have filed counter reply through Sh. P.K. Saxena, Deputy Chief Engineer (Construction), Central Railway, Gowalia and Sri J.D. Singh Assistant Engineer (Construction) Dhaulpur, Central Railway. Sh. P.K. Saxena also filed supplementary reply to supplementary affidavit of applicant No. 1 on behalf of all the applicants. The respondents submit that as per the interim order status quo has been maintained and transfer order of the applicants to Open Line has not been implemented and they were retained in the Construction Organisation. However there was no

work at Agra and the applicants were deputed to work at site within the jurisdiction of Agra Cantt. Construction Unit under respondent No. 1 where the work was available. Their payment was drawn upto July 1995 and thereafter they did not report for the duty to the station where directed to work and as such no payment has been made for the period of absence. The respondents contend that in view of these facts no contempt of court has been committed.

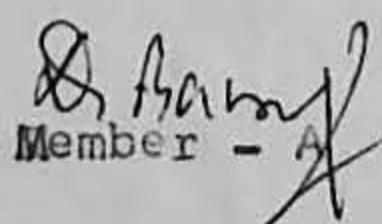
5. The applicants have filed the rejoinder reply controverting the averments of the respondents and maintaining that the respondents have wilfully and deliberately disobeyed the orders of the Tribunal. The respondents are also deliberately marking them absent. The applicants have also filed two supplementary affidavits on 22.5.95, and 7.10.96 alleging that the applicants are not being allowed to join duty and juniors are being retained at Agra Cantt.

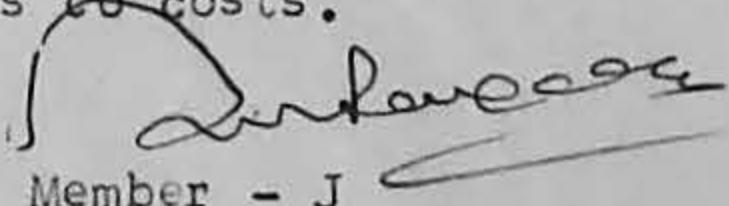
6. We have heard Sh. M.A. Siddique and Sh. G.P. Agarwal learned counsel of the applicants and the respondents respectively. We have also given careful thought to the pleadings on the record.

7. As per the interim order dated 31.5.95 the status quo was to be maintained with regard to transfer from the Construction unit to Open Line. From the averments of the applicants, it is admitted fact that directions were issued by the respondent No. 1 to take the applicant on duty and payment for the month of June and July 1995 had been also received by them. The respondents have submitted that since there was no work

at Agra Cantt. during the pendency of the interim stay order, the applicants were asked to work at other station within the jurisdiction of Agra Cantt. Construction unit. However the applicants have not joined at that station and are absenting themselves. As stated earlier after the filing of the contempt application on 10.10.95, two supplementary affidavits have been filed on 22.5.96 and 7.10.96 in addition to rejoinder reply. The averments in these supplementary affidavits mainly pertain to the issue of non payment of wages and alleging that some junior staff has been retained at Agra Cantt. From the averments of the parties, it is noted that the O.A. 516/1995 has been since decided on 20.10.95 and the same has been dismissed the supplementary affidavits dated 22.5.96 and 7.10.96 have been filed after the dismissal of the O.A. In view of this, the averments made in the supplementary affidavits has no relevance to the contempt application. Keeping in view these facts, we are satisfied that the compliance of the interim order had been done and there is no wilful or deliberate disobeying by the respondents as alleged by the applicant. There is no case of contempt of court.

8. In view of the above, the contempt application has no merit and the same is dismissed. The notices issued are discharged. No order as to costs.


Member - A


Member - J

Arvind.