

CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
ALLAHABAD BENCH, ALLAHABAD

Dated: Allahabad, the 11th December, 2000

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Civil Contempt Application No.25 of 2000

In

Original Application No.43 of 1996

Shree Kishan, son of Sri Ram Prasad,
r/o Village Sangaon, Post- Bahraupur,
District- Fatehpur.

..... Petitioner

(By Advocate Sri C.P. Gupta)

Versus

1. Sri B.P. Gupta,
Additional Divisional Railway Manager,
Northern Railway, D.R.M's office,
Allahabad.

2. Sri A.K. Srivastava,
Divisional Superintending Engineer (II),
Northern Railway, D.R.M.'s office,
Allahabad.

3. Sri Sunil Gupta,
Assistant Engineer,
Northern Railway,
Fatehpur.

..... Respondents

(By Advocate Sri A.K. Gaur)

O_R_D_E_R_ (Open Court)

(By Hon'ble Mr. S. Dayal, A.M.)

This Contempt Petition has been filed
for punishing the opposite parties for contempt in
deliberate disobedience of order of the Tribunal

dated 16.12.1998 in O.A. No.43 of 1996.

Contd..2

2. The operative part of the order is excerpted as below:-

" In view of the foregoing, the application is allowed, the charge-sheet dated 22.2.1992, the punishment notice dated 30.9.1994 and the appellate order dated 14.9.1995 are quashed with liberty to the respondents to institute fresh disciplinary proceedings against the applicant according to law. No order as to costs."

The order was communicated to the Respondents on 27.1.99.

The opposite parties have filed a short counter reply on 25.7.2000, seeking further 3 months' time to comply with the order. The reason for non-compliance is stated to be pendency of a Writ Petition in the High Court.

Thereafter, the Respondents have filed supplementary counter affidavit, in which they have stated that since no interim order was granted by the High Court, they issued an order on 25.9.2000, directing the Senior Section Engineer (Permanent Way), Northern Railway, Fatehpur to take back the applicant in service w.e.f. 26.9.2000. The re-engagement of the applicant was subject to the orders of the High Court in the Writ Petition filed by the Respondents. The said order is stated to have been received by the applicant on 27.9.2000. The applicant is stated to be working since that date.

3. The learned counsel for the applicant urges that the Respondents have still not complied with the order, because they have not paid the wages to the applicant with effect from 13.9.1994 and till the date of reinstatement. He also states that the applicant has been given a fresh appointment.

4. As far as the first contention of the learned counsel for the applicant is concerned, there is no direction of the Tribunal that the applicant shall be given all consequential benefits. As a matter of fact, the application was allowed with liberty to the Respondents to institute fresh disciplinary proceedings. The learned

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counsel for the applicant contends that in initiating fresh disciplinary proceedings, the Respondents have mentioned that they are doing it in compliance with the order of the Tribunal and thereby they committed fresh contempt. We are not persuaded to accept this argument of the learned counsel for the applicant, because the liberty was given by the Tribunal to the Respondents to institute fresh disciplinary proceedings.

5. There is some delay in carrying out the directions of the Tribunal. However, delay has been explained by the Respondents in their counter reply.

6. We, therefore, find no contempt and the Contempt Petition is dropped and the notices are discharged.

D. G. Judd
J.M.

A. M.
A.M.

Nath/