

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH**

This the 24th day of May, 2004

Civil Contempt Application No.144 of 2002

in

Original Application No.698 of 1992

CORAM

Hon. – Mr. Justice S. R. Singh, VC

Hon. – Mr. S. K. Heyra, A.M.

Mohd. Shkil, son of Shri. Mohd. Shakoore

R/O 25/39, Isai Tola

Prem Nagar, Jhansi

---- Petitioner

Versue

Mr. G. S. Suri, Chief Works

Manager Workshop

Central Railway

Jhansi

---- Opp. Party

Order (Oral)

Justice S. R. Singh, VC

Heard Sri A. K. Dave Counsel for the petitioner and Sri D. C. Saxena, learned counsel for the respondents and perused the pleadings.

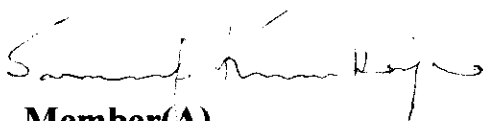
The present contempt application has been instituted with the allegation that the directions given by the Tribunal vide judgement and order dated 22.03.2001 in OA No.698/94 Mohammed Shakil vs Union of India & ors have willfully not been complied with in their entirety, for the respondents, it has been submitted that even though a writ petition against the judgement and order of the Tribunal is pending

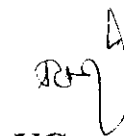


consideration in the High Court, the respondents have "provisionally" complied with the directions given by the Tribunal vide office letter dated 23.11.2002 - A perusal of the said letter would indicate that the applicant has been given proforma promotion w.e.f. 12.04.94, the date his Junior Prem Narain was promoted. His pay has accordingly been fixed in Wagon Repair Grade II. The applicant's claim for promotion to Grade 'C' post in Mill Wright Trade has not been found justified by means of the order contained in the said letter.

We are of the view that the legality or otherwise of the order contained in the letter dated 23.11.02 passed in purported compliance of the directions given by the Tribunal can not be gone into in the contempt jurisdiction. In case, the applicant feels aggrieved by any part of the order his remedy is to approach the Tribunal on original side.

The contempt application is dismissed. Notices discharged.


Member(A)


VC

Dated: 24.05.2004

lv/