

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Civil Contempt Petition No.150 of 2002

In

Original Application No.720 of 1993

Allahabad this the 27th day of August, 2002

Hon'ble Mr.S. Dayal, Member (A)
Hon'ble Mr.A.K. Bhatnagar, Member (J)


1. Badri Prasad S/o Sri Manik Chand, Head Trains Clerk, DPM Section of Divisional Railway Manager Office, R/o Village and Post Ali Nagar, District Chandauli.
2. Bishwanth S/o Late Chathai Ram, Head Trains Clerk in DPM Section of Divisional Manager Eastern Railway, Mughal Sarai R/o Village Alampur Post Mughal Sarai, District Chandauli.

Applicants

By Advocate Shri Sajnu Ram

Versus

1. Sri S.C.Sen Gupta, General Manager, Eastern Railway, Fairlie Place, Kolkata.
2. Sri B.K. Singh, Senior Divisional Personnel Officer, Eastern Railway, Mughal Sarai.
3. Sri Radhey Shyam Prasad, Divisional Personnel Officer, Eastern Railway, Mughal Sarai.


Respondents

By Advocate Shri

O_R_D_E_R (Oral)

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

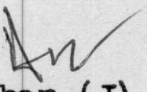
Learned counsel for the applicants has filed this contempt application for initiating proceedings against the opposite party for wilful disobedience of the orders of the Tribunal.

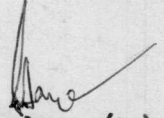
2. We have considered the plea of the applicants in this contempt petition. We have perused the order passed by us earlier on 24.05.2001. The relief mentioned in the said order were regularisation of adhoc promotion of the applicants in the category of Trains Clerk from the dates of their ad hoc promotions and grant seniority on that basis. The prayer was also made to set aside the order dated 16.03.92. The respondents were directed to treat the applicants of this case in the same line which was adopted in the Office Order No.254 of 1991 in the case of Munni Lal Ram and Others. The respondents have passed the order dated 12.09.01 annexed as annexure no.6, regularising the applicants from the date of their ad hoc appointment. The order dated 10.10.2001 has also been annexed as annexure-7 in which the applicants have been declared senior to Shri Ramakant Mishra.

3. Learned counsel for the applicant states that substantial compliance of the order has not been made because the applicants had not been promoted to the post of Chief Trains Clerk on the basis of seniority given to them. He in this respect invites

attention to the order dated 13.12.1993 in which the promotions made on the post of Chief Trains Clerk and mentioned in M.A.No.2284 of 1993 were made subject to the decision in the O.A. It is the contention of learned counsel for the applicant that the respondents were duty bound to make the promotion of the applicant to the post of Chief Trains Clerk on account of order dated 13.12.1993.

4. We find that there is no mention of promotion to the post of Chief Trains Clerk in the final order. In the circumstances, the promotion to the post of Chief Trains Clerk gives a cause of action to the applicants to be agitated with the respondents afresh. We cannot issue any notice for contempt in this case.


Member (J)


Member (A)

|M.M.|