

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ALLAHABAD this the 24th day of April, 2007.

HON'BLE MR. ASHOK S. KARAMADI, MEMBER- J.
HON'BLE MR. K.S. MENON, MEMBER- A.

CIVIL CONTEMPT PETITION NO. 188 OF 2002

IN

ORIGINAL APPLICATION NO. 941 OF 1994

1. Shiv Karan Singh, S/o Sri Vikram Singh.
2. Om Prakash, S/o Sri Shankar Lal
3. Vijai Pal Sharma, S/o Sri Dhani Ram
4. Triveni Prasad Tiwari, S/o Sri Kedar Nath
5. Rakesh Kumar, S/o Sri Sangam Lal

6. Om Prakash Vishwakarma, S/o Sri Chaturi Prasad
All working as Helper Khalasi, Electric Shade,
TM Shop, Northern Railway, Kanpur.

.....Applicants.

VERSUS

1. Sri Mathu John, erstwhile D.R.M.
Northern Railway, Allahabad.
2. Sri Ganesh, Sr. Divisional Electrical Engineer,
TRS, Northern Railway Electric Loco Shade, Kanpur.
3. Sri S.K. Chaudhary, D.R.M, NCR, Allahabad.

.....Respondents

Present for the Applicant:

Sri M.K. Upadhyay

Present for the Respondents :

Sri Anil Kumar

Sri H.A. Kumar



ORDER

BY HON'BLE MR. ASHOK S. KARAMADI, JM

This Contempt Petition is filed for non-compliance of the order dated 24.01.2002. By the said order, the respondents were directed to consider all such Helper Khalasies including applicants who have been by-passed in the matter of promotion to Electric Fitter Grade-III by holding a special selection with regard to such persons within a period of four months and restore their position and promote them on notional basis from the date their immediate junior was promoted.

2. The grievance of the applicant is that the respondents are deliberately disobeying the order passed by the Tribunal and have not complied with the same. As the case of the applicant was not considered in pursuance of the order issued by this Tribunal, he has sought the relief as prayed for in CCP.

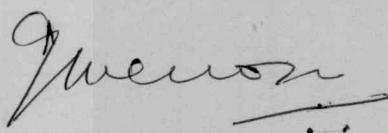
3. On notice, the respondents have filed their Counter Affidavit stating that in compliance with the orders passed by the Tribunal, suitable steps have been taken by the respondents and the case of the applicant has duly been considered according to rules and the same was reproduced in their statement made in para 13 and 14 of the CA and sought for dismissal of the CCP.

4. We have heard learned counsel for the parties and perused the pleadings on record. It is clear from the order that the direction was issued to the respondents to consider the case of the applicants, if there was some injustice cause to them. Having regard to the same, the respondents have produced the seniority list and further contended that

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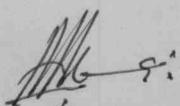
none of the junior of the applicants are promoted or extended the benefit. They have further stated that the decision, taken by the respondents in pursuance of the order, was communicated to the applicants as back as on 21.05.2002 and 22.05.2002 (Annexure 4 and 5 of the CA). Having regard to the material produced by the respondents and inspite of the fact having knowledge of the same, the applicants have not filed Rejoinder Affidavit to that effect till today. But the learned counsel for the applicants has submitted that the seniority list, which is not in accordance with rules, will cause injustice to the applicants. Having regard to the same, he submits that the CCP should be continued.

5. In view of the facts and the statements placed before us and the material on record clearly goes to show that the respondents have taken steps in pursuance of the orders passed by the Tribunal and as such, we do not find any justifiable ground to keep the matter pending further. In view of the submissions made above, we cannot accept the contention of the learned counsel for the petitioners. If there any grievance after the orders are passed by the respondents, the petitioners are free to approach the appropriate forum but not here in the contempt proceedings. Accordingly the contempt proceedings are dropped. Notices are discharged.



(K.S. MENON)

MEMBER- A



(ASHOK S. KARAMADI)

MEMBER- J.