

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Contempt Application (Civil) No.211 of 2002.

In

Original Application No.1428 of 1994.

Allahabad this the 13rd day of July 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, A.M.

Swarup Singh S/o Sri Sukku Singh R/o Village
Milak Jit Pur, District Bijnor (U.P)

.....Applicant.

(By Advocate : Sri A.K. Sinha)

Versus.

1. Sri R.K. Upadyay Divisional Railway Manager,
Northern Railway, Moradabad.
2. Sri K. Mal, Divisional Superintending Engineer (C).
Office of the D.R.M. Moradabad.

.....Respondents.

(By Advocate : Sri P Mathur)

O_R_D_E_R

(By Hon'ble Mr. Justice S.R. Singh, V.C.)

Heard Sri A.K. Sinha learned counsel for the applicant and Sri P Mathur learned counsel representing for the respondents. We have also perused the pleadings.

2. This contempt application has been instituted with the allegation that the respondents have wilfully and deliberately not carried out the direction given by the Tribunal vide judgment and order dated 07.01.2002 while disposing of the O.A. No.1428/94, Swaroop Singh Vs. Union of India and another.
3. A perusal of the order dated 07.01.2004 passed by the Tribunal would indicate that the O.A. was finally disposed of with the direction to the respondents to "re-examine"

RAJ

the case of the applicant for re-engagement/absorption in Group 'D' post coupled with the direction that if it is found that the persons referred to in the order were junior to the applicant, the benefit granted to them would also be granted to the applicant within 03 months from the date of communication of the order. The Competent Authority namely, Divisional Superintending Engineer (C), Northern Railway, Moradabad in his order dated 17.04.2002 annexed as Annexure 5 to the contempt application has held that the persons referred to in the order passed by the Tribunal are all senior to the applicant and further that applicant's case for appointment would be considered as and when his number comes on the basis of numbers of working days.

4. Sri A.K. Sinha learned counsel for the applicant has urged that the Competent Authority has illegally held that nine persons referred to in the order dated 17.04.02 are senior to the applicant. We are afraid we can not go into the legality of the said order in the contempt jurisdiction. If the applicant feels aggrieved, the proper course for him is to approach the Tribunal in original side. In view of the finding recorded in the order dated 17.04.2002, the respondents cannot be held to have wilfully and deliberately flouted the order passed by the Tribunal.

5. In the circumstances, the contempt application fails and is dismissed. We, however, make no order as to costs.

Abhishek
Member-A.

Rajendra
Vice-Chairman.

Manish/-