

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Contempt Application No.216 of 2002  
in  
Original Application No.43 of 1998

Thursday, this the 24th day of July, 2003

Hon'ble Mr. Justice R.R.K.Trivedi, V.C.  
Hon'ble Mr. D. R. Tiwari, A.M.

Sukhraj,  
S/o Shri Nand Kumar,  
R/o B/202, Awas Vikas Colony,  
Sahpur, District Gorakhpur.

- Applicant.

(By Advocate : Shri Bashist Tiwari)

Versus

1. Om Prakash,  
General Manager,  
N.E.Railway, Gorakhpur.
2. Prahalad Swaroop,  
Chief Signal and Telecom Engineer,  
N.E. Railway, Gorakhpur.

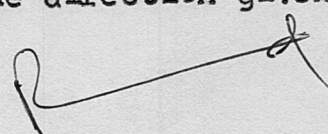
- Respondents.

(By Advocate : Shri D.C.Saxena)

ORDER (ORAL)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C. :

By this contempt application filed under Section 17 of A.T. Act, 1985, the applicant has prayed to punish the respondents for committing contempt of this Tribunal for wilful disobedience of the order dated 17.4.2002 passed in OA No.43/98. The direction given by this Tribunal

 Contd....2.



was as under :-

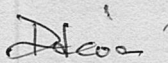
".....If any such seniority list has not been maintained, we direct that the parent department should constitute as seniority list of the parent department showing the correct position of the applicant vis-a-vis his juniors and then consider his case for promotion from the date his juniors were promoted, in the parent department. The OA is disposed of with the above directions with no order as to costs. This direction shall be implemented within four months from the date of the order."

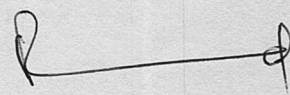
2. Shri D.C.Saxena, learned counsel for the respondents submitted that the order has been complied with and the applicant has been granted promotion vide order dated 1.10.2002 ~~CA~~ (CA -III). It is also submitted that the seniority list has also been corrected and corrigendum has been issued on 29.4.2003. Thus, the complete relief has been granted to the applicant.

3. Shri B.Tiwari, learned counsel for the applicant, however, submits that by order dated 1.10.2002, applicant has been given proforma promotion though he was entitled for arrears also. Thus the respondents have committed ~~no~~ contempt.

4. We have considered this aspect of the respondents' <sup>action</sup>. However, as the order of this Tribunal is silent to give consequential benefit, it is difficult to say that any contempt has been committed by the respondents. However, if the applicant is aggrieved by the order <sup>passed by respondents</sup> ~~of this Tribunal~~, he may challenge the same in the original side.

5. Subject to aforesaid observation, the contempt application is rejected. Notices issued to the respondents are discharged. No costs.

  
Member-A

  
Vice Chairman