

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. CONTEMPT APPLICATION NO.248 OF 2002

In

ORIGINAL APPLICATION NO.73 OF 2002

ALLAHABAD THIS THE 19TH DAY OF NOVEMBER,2003

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER-A

HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

1. Amar Nath Mishra,  
son of Sri Shiv Murat Mishra,  
resident of Loco Colony,  
Quarter No.401-F,  
Mughal Sarai, District-Chandauli.
2. Anil Kumar Pathak,  
son of Shri Bhrighu Nath Saran Pathak,  
resident of Loco Colony,  
Quarter No.401-E,  
Mughal Sarai, District-Chandauli.

.....Applicants

(By Advocate Shri A.K. Srivastava )

Versus

Shri K.K. Saxena,  
The Divisional Railway Manager,  
Eastern Railway,  
Mughalsarai, Chandauli.

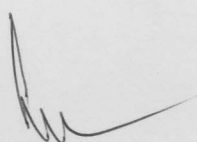
.....Respondents

( By Advocate ----- )

ORDER

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

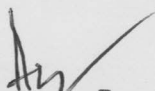
This Contempt Petition has been filed for punishing the respondents for wilful dis-obedience of the order dated 17.05.2002 passed in O.A. No.73/02 by which the respondents was directed to

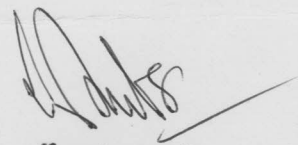


decide the representation of the applicant within a period of three months by passing a reasoned order after hearing the applicants. In para 14 of the contempt petition the applicants have averred that the order of this Tribunal dated 17.05.2002 was served on the respondents on 30.05.2002 alongwith the representation. When no action was taken by the respondents this contempt petition was filed on 09.12.2002 which has come up today for hearing.

2. Shri Vinod Kumar holding brief of Shri K.P. Singh appeared on behalf of the respondents and submitted that having come to know that contempt has been filed against the respondents he has been directed by the respondents to inform the court that the order of the Tribunal has been complied with by giving personal appearance to the applicant and a speaking order dated 01.09.2003 has been passed (order dated 01.09.2003 is taken on record). Copy of the order dated 01.09.2003 has already been sent to the applicants but since applicant no.1 has expired the registered letter by which the copy of the order dated 01.09.2003 was sent has been received back undelievered. We have perused the order dated 01.09.2003. The respondent has certainly failed to comply with the order within time. <sup>allowed</sup> However, the final action has been taken.

3. In view of the above, no case of contempt is made out. The contempt petition is rejected in limine.

  
Member-J

  
Member-A

/Neelam/