

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD.

Civil Misc. Contempt Petition No.255 of 2002. In  
Original Application No.930 of 1996.

Allahabad : this the 03rd day of August 2004.

Hon'ble Mr. Justice S.R. Singh, v.c.  
Hon'ble Mr. D.R. Tiwari, Member-A.

Doodh Nath, aged about 45 years,  
S/o Shri Hari Shankar, R/o Village  
Simaria, Post-Ridilganj, District Chhapra (Bihar)

.....Applicant.

(By Advocate : Sri Rakesh Verma)

Versus.

Shi Chandra Pal Verma,  
Divisional Railway Manager,  
North Eastern Railway, Varanasi  
Division, Varanasi.

.....Respondents.

(By Advocate : Sri K.P. Singh )

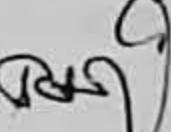
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(By Hon'ble Mr. Justice S.R. Singh, v.c.)

The Contempt petition has been instituted by the petitioner with the allegation that the order passed by the Tribunal dated 3.5.2002 in O.A. No. 930 of 1996 in re. Doodh Nath Vs. Union of India & ors. has not been complied with. perusal of the order dated 3.5.2002 passed by the Tribunal would indicate that while disposing of the O.A. the Tribunal had directed the respondents to consider the appointment of the applicant as Casual Labour in the Railways in accordance with the seniority list published on 30.6.1984 in his due turn in accordance with rules. In para 1 of the order, the Tribunal noted the submission made by the learned counsel for the applicant that if his juniors in the said list, which has not been challenged by the respondents, are appointed, he should also be considered for appointment. The competent authority by its order dated 16.8.2002, a copy of which has been filed as Annexure CA-I to the Counter, has observed that as and when the regular recruitment would take place, the case of the applicant would be considered

on the basis of seniority in accordance with law. In view of the order dated 16.8.2002, we are of the view that the respondent cannot be held guilty for committing contempt of this Tribunal. Accordingly, the Contempt petition is rejected. Notice issued to the respondent is hereby discharged. It is made clear that this order will not prejudice the right of the applicant to challenge the order dated 16.8.2002 for filing a fresh O.A., if so advised.

  
MEMBER(A)

  
VICE CHAIRMAN

GIRISH/-