

(10)  
Reserved

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD**

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(THIS THE 09<sup>th</sup> DAY OF December, 2010)

**Hon'ble Dr.K.B.S. Rajan, Member (J)**  
**Hon'ble Mr. S. N. Shukla, Member (A)**

**Civil Misc.Contempt Petition No. 257 of 2002**  
(U/S 10 and 12 of the Contempt of Court Act, )  
In  
O.A. No. 1215 of 1998

Mohammed Arif, S/o Shri Rafique Ahmed,  
R/o Village and Post Ahmadpur, Pawan,  
District Allahabad.

..... Applicant

***Present for Applicant : Shri S. Ahmed, Advocate***

**Versus**

Shri Y.N.Dhawan,  
Chairman, Railway Recruitment Board,  
Annexe Building, Nawab Yusuf Road,  
Allahabad.

..... Respondents

***Present for Respondents : Shri P. Mathur, Advocate***

**ORDER**

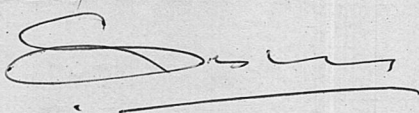
**(Delivered by Hon. Dr. K.B.S. Rajan, Member-J)**

This contempt petition has been filed by one of the applicants in the OA against Chairman Railway Board for alleged deliberate non compliance of order dated 6.3.2002 in OA No. 1215/1998. Initially as early as on 7.1.2002 notice was issued. Subsequently a review

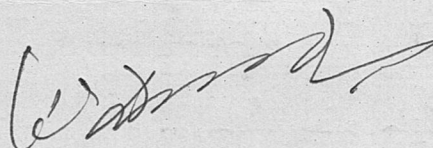


application has been filed by the respondents and keeping in view the same the contempt petition was listed along with the review petition. Order dated 16.7.2003 refers. Thereafter it was as late as on 7.9.09 that the case once again came up when also the review application was directed to be listed along with the contempt application.

2. The review application filed by the respondents as well as the contempt application filed by the applicant have been heard together and this Tribunal has by a separate order dismissed the review petition.
3. When the non compliance of the order of this Tribunal is on account of the fact that the review application filed on time has been under consideration of the Tribunal, such a non compliance cannot be branded as one of "deliberate" nature. Contempt jurisdiction is available inter alia only when there is deliberate disobedience or dubious compliance.
4. In view of the above the contempt petition is dismissed. Of course, the applicants could ignite the contempt jurisdiction if even after the dismissal of review application, the order is not complied with, of course, after a reasonable time.



(S.N.SHUKLA)  
Member (A)



(Dr.K.B.S.RAJAN)  
Member (J)