

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 15TH DAY OF MARCH, 2002

Civil Contempt Application No.44 of 2002

In

Original Application No. 765 of 2000

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Chandra Pal Singh, Son of Kalyan Singh
Senior Clerk, Chief Medical Superintendent
North Eastern railway, Izat Nagar
Bareilly.

... Applicant

(By Adv: shri T.S.Pandey)

Versus

1. H.S.Pannu, Divisional railway manager,
North Eastern railway, Izat Nagar
Bareilly.
2. Sukhvir Singh, Senior Divisional
Personnel Officer, North Eastern
Railway, Izat Nagar, Bareilly.

... Respondents

O R D E R

JUSTICE R.R.K.TRIVEDI,V.C.

we have heard Shri T.S.Pandey learned counsel for the
applicant.

This application u/s 17 of A.T.Act 1985 has been
filed for punishing respondents for committing contempt of
this Tribunal. The facts of the case are that by order
dated 26.6.2000 seniority of the applicant was disturbed
on the ground that applicant passed type test subsequently.
This order dated 26.6.2000 was challenged in OA 765/00.
The OA was allowed on 25.4.01 by following order:

"Learned counsel for the respondents, however,
states that the facts of the case are not
similar to those of the present case and that



since impugned order is not reversion order, hence no opportunity is required to be given to the applicant before passing of such order. We, however, do not agree with the contention of learned counsel for the respondents because the seniority position of the applicant cannot be disturbed without giving an opportunity to show cause and agree with the view expressed in the above order.

We accordingly allow this OA and

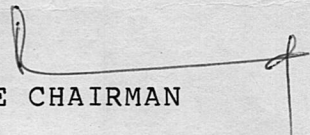
quash order dated 26.6.2000. No order as to costs."

In pursuance of the order of this Tribunal respondents passed order dated 27.6.01 (Annexure 3) and order dated 26.6.2000, which was impugned in the OA, was set aside. Thereafter respondents served a show cause notice dated 5.7.01 on the applicant as to why seniority in Junior clerk may not be determined on the basis of the date of passing the type test. This show cause notice was replied by ^{applicant vide} (Annexure 5). The respondents thereafter passed the order dated 5.3.02 and altered the seniority list computing the seniority of the applicant from the date he passed the type test i.e. 21.8.1996. The submission of the learned counsel for the applicant is that by passing this order respondents have committed contempt of this Tribunal. We do not agree with the submission of the learned counsel for the applicant. The earlier order of this Tribunal dated 25.4.01 was based on mainly ^{on the ground that} no opportunity of hearing was given to the applicant. Now the order has been passed after giving opportunity to the applicant. No case for contempt is made out. However, if the applicant is dissatisfied with the order, he may challenge ^{it} in the original side.

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Subject to the aforesaid, this contempt application
is dismissed. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: March 15th, 2002

Uv/