

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 24th day of April, 2007.

HON'BLE MR. ASHOK S. KARAMADI, MEMBER- J.
HON'BLE MR. K.S. MENON, MEMBER- A.

CIVIL CONTEMPT PETITION NO. 01 OF 2003

IN

ORIGINAL APPLICATION NO. 1933 OF 1994

Ram Sajeewan, S/o Sri Raj Narain,
R/o Vill. & Post- Imilia, Distt. Allahabad.

.....Applicants

VE R S U S

1. Sri Mathew John, D.R.M.
Northern Railway, Nawab Yusuf Road, Allahabad.
2. Sri Tarun Prakash, Sr. Divisional Signal & Telecommunication
Engineer- II, Northern Railway, DRM's Office,
Nawab Yusuf Road, Allahabad.
3. Sri Ram Bahadur Maurya, Chief Telecommunication Inspector- II
Now Senior Section Engineer (Telecommunication-II),
Northern Railway, DRM Office, Nawab Yusuf Road, Allahabad.

.....Respondents

Present for the Applicant: Sri S. Ram
Present for the Respondents : Sri A. Tripathi

ORDER

BY HON'BLE MR. ASHOK S. KARAMADI, JM

This Contempt Petition is filed for non-compliance of the order
dated 09.05.2002. By the said order, the respondents were directed to

conduct the screening of the applicant as was done in the case of others on or after 05.10.1993 and in case, the applicant is found fit for absorption against group 'D', absorb him against the vacant post of Group 'D' and in case, no post is available, re-engage him and treat as on temporary post till the post is so available. The direction shall be complied with within period of four months from the date of receipt of a copy of the order.

2. The grievance of the applicant is that the respondents since neither complied with the orders passed by the Tribunal nor considered the case of the applicant , he has sought the relief as prayed for ~~in~~ in CCP.

3. On notice, the respondents have filed their Counter Affidavit stating therein that the order of this Tribunal has already been complied with. They have further stated having regard to the fact that in view of the reasons beyond the control of the respondents, there is some delay in taking decision and the same may be condoned and have sought for dismissal of the CCP.

4. Learned counsel for the applicant has stated that even though the respondents have complied with the order, they are complied with the same in part and no full compliance has been made and , therefore, action should be initiated against the respondents in the contempt proceedings.

5. We have heard learned counsel for the parties and perused the pleadings on record. It is clear from the record that the direction of this Tribunal has been complied with. The order to re-engage the applicant in

against proper and suitable vacancy available , the respondents have considered the case of the applicant and re-engaged him in service by obeying the order of the Tribunal. However, the reasons for delay in complying with the order have already been given in para 13 of the Counter Affidavit . Having regard to the facts and circumstances of the case, we are of the view that the respondents have complied with the orders passed by the Tribunal. In that view of the matter, we do not find any justifiable ground to keep the Contempt Petition pending. At this stage, learned counsel for the applicant has cited a judgment of Hon'ble Apex Court in V.D. Sharma Vs. G.B. Patnaik & Ors. 2001(2) UPLBEC 1384. We have also gone through the judgment cited by the learned counsel for the applicant and find that the ratio of the said judgment is entirely different and is not application in the present case. Accordingly the Contempt Proceedings are dropped. Notices are discharged. However, we make it clear that if the applicant has any grievance to the orders passed by the respondents' authorities, he is free to approach the appropriate forum.



(K.S. MENON)

MEMBER- A



(ASHOK S. KARAMADI)

MEMBER- J.

/Anand/