

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. CONTEMPT APPLICATION NO.108 OF 2003

IN

ORIGINAL APPLICATION NO.759 OF 1995
ALLAHABAD THIS THE 7TH DAY OF April,2004

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

Onkar Singh,
aged about 65 years,
S/o Late Shri Anirudh Singh,
R/o 103/1, Site No.1,
Kidwai Nagar, Kanpur.Applicant

(By Advocate Shri K.K. Mishra)

Versus

Shri Prakash,
Divisional Railway Manager,
Northern Railway (Now N.C.R.),
Allahabad.Respondents

(By Advocate Shri A.K. Gaur)

ORDER

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

In this Contempt petition the applicant has prayed for punishing the respondent Shri Prakash, D.R.M., Northern Railway (Now N.C.R.) Allahabad for wilful dis-obedience of the order of this Tribunal dated 01.07.2002 passed in O.A. No.795/99. This Tribunal passed the following order:-

"For the reasons stated above, this OA is disposed of finally with the direction to the respondents no.2 D.R.M., Northern Railway, Allahabad to consider and decide the representation of the applicant with regard to claim of J.I.T. and CIT in accordance with rules and the judgments relied on. The


representation of the applicant shall be decided within a period of four months from the date a copy of the order is filed before the respondent no.2."

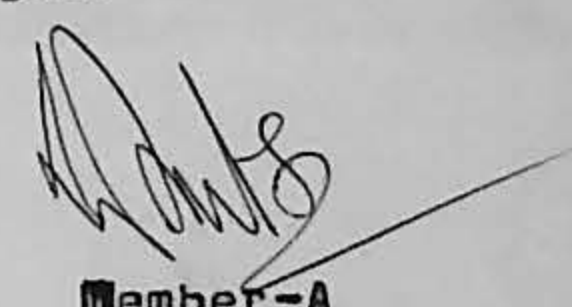
2. In compliance to the order of this Tribunal the Assistant Personal Officer, passed the order dated 02.01.2004 on behalf of D.R.M.(P).
3. Shri K.K. Mishra, counsel for the applicant submitted that the respondents have committed contempt of this Tribunal because while deciding the representation of the applicant the respondents have not considered the law laid down by Chandigarh Bench of this Tribunal in the case of Praveen Kumar Aggarwal Versus Indian Council of Agricultural Research and Others reported in (1988)8 ATC 496 and the judgment of Principal Bench of this Tribunal in the case of Prem Singh Verma Vs. U.O.I. (1993)24 ATC 222 on which the applicant had relied upon while arguing O.A. No.795/99 and the Tribunal in its order specifically ^{in directed} ~~mentioned~~ that the representation of the applicant with regard to claim of JIT and CIT shall be considered in accordance with rules and the judgments relied upon.
4. Shri A.K. Gaur, learned counsel for the respondents, on the other hand submitted that the order dated 02.01.2004 is a detailed order, ^{and} the reasons have been given as to why the applicant has not been given the CIT promotion. Therefore, if the applicant is aggrieved with the order dated 02.01.2004, he may seek for remedy as per law.
5. We have carefully considered the submissions of the counsel for the parties and perused records.



6. We have gone through the order dated 02.01.2004 which is ^{the} detailed and speaking order. However, it appears that the respondent^s has not considered the law laid down in the cases referred to above because there is no whisper of the same in the order dated 02.01.2004. Since the order of the Tribunal dated 01.07.2002 ^{has also} required ^{the} respondents to consider the representation of the applicant with reference to the judgments relied upon, it was incumbent upon the respondents to have done so. We, therefore, consider it appropriate to refer this matter back to the respondent i.e. Shri Prakash, D.R.M., N.C.R., Allahabad to re-examine the issue personally and pass a reasoned and speaking order within two months from the date this order is filed before him.

7. With the above direction this contempt petition is disposed of finally. Notices are discharged.


Member-B


Member-A

/Neelam/