

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 27TH DAY OF JANUARY, 2004

Civil Contempt Petition No.16 of 2003

Original Application No.1263 of 2000

CORAM:

HON.MR.JUSTICE S.R.SINGH,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Aziz Ahmed, Son of Shri Amit Khan  
R/O H.No.499 A Mohalla Naurangabad  
Etawah.

... Petitioner

Versus

Mathew Jhon, Divisional  
Rural Manager, Northern  
Railway Allahabad,  
Division Allahabad.

... Respondents

O R D E R

JUSTICE S.R.SINGH,V.C.

Heard counsel for the parties and perused the pleadings.

The contempt petition on hand has been instituted with the allegation that the order dated 1.5.02 passed by the Tribunal in OA No.1263/02 Aziz Ahmed Vs. Mathew Jhon, D.R.M.Northern Railway has willfully not been complied with. For the respondents it has been submitted that in compliance with the direction given by the Tribunal vide judgment and order dated 1.5.02, the case of the applicant was considered and order dated 11.11.02 was passed in respect of the claim of the applicant.



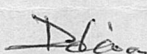



A perusal of the order dated 1.5.02 would indicate that the Tribunal disposed of the OA in terms of the following direction:-

"We, therefore, direct that without further delay, and within the next four months, the Railways must consider every issue raised by the applicant and every circular quoted by him and pass a speaking order as to why each circular is applicable or not applicable. In fact, it will be in the interest of justice to allow the applicant to sit with the authorities with Annexure 16 and go point by point in determining what is right and what is not. The only justice would be seen to have been done. It is not sufficient to say that the applicant is not entitled to the benefit. It is necessary to point out why that benefit is not available and without that, justice cannot be done."

Pursuant to the aforesaid direction given by the Tribunal the case of the applicant was considered and after giving personal hearing to the applicant an order came to be passed on 11.11.02, a copy of which has been filed as (Annexure A5 to the contempt petition). The respondents were directed to consider the case of the applicant and to take appropriate decision with respect to his claim. The decision having been taken, the question of non compliance of the order does not arise. In case the applicant is aggrieved by the order, remedy open to him is to file a fresh OA challenging the legality of the said order.

The contempt petition is therefore dismissed.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 27.1.2004

Uv/