

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL CONTEMPT PETITION NO.160 OF 2003

IN

ORIGINAL APPLICATION NO.1400 OF 2002
ALLAHABAD THIS THE 22ND DAY OF APRIL, 2004

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

Ram Kishore,
S/o Sri Nand Kishore Saxena,
R/o E-99B, Railway Colony,
Katik Mohalla, Mathura. Applicant
(By Advocate Sri C.C. Geharana)

Versus

1. Kali Shankar,
Divisional Railway Manager,
Izzatnagar, Bareilly.
2. Shri R.C.Jain,
Assistant Divisional Engineer,
Izzatnagar Bareilly,
posted on North Eastern Railway,
Mathura Cantt.

..... Respondents

(By Advocate Shri K.P. Singh)

ORDER

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

This Contempt petition has been filed for wilful
dis-obedience of the order of this Tribunal dated 09.05.2003
passed in O.A. No.1400/02. This Tribunal passed the following
order:-

"Considering the facts and circumstances of the case,
this O.A. is disposed of finally with a direction to
the respondent no.4 to permit the applicant to work



on the post untill an order is passed by D.R.M.(P) regarding his transfer. The applicant is allowed to be paid the arrears of his salary."

2. The respondents have filed CA and the details have been given in para 4 a,b, and c. In para 4(b) the respondents have stated that the applicant has been paid the salary for the period from 11.10.2002 to 18.02.2003. The learned counsel for the respondents submitted that since the order of the DRM(P) had already been issued on 14.02.2003 there was no requirement of issuing fresh order and the order of 14.02.2003 has been received by the applicant on 17.02.2003. The respondents have annexed the order dated 18.02.2003 (Annexure A-3) by which the applicant was directed to report to Senior D.P.O., Izzatnagar immediately. The counsel for the applicant that this order was never served on the applicant whereas from the endorsement thereon we find that the applicant refused to accept the spare letter. The remark has been made on ^{in presence of} _{absence of} two witnesses. We have no reason to dis-believe that the respondents are not speaking the truth. However, since the order of this Tribunal is dated 09.05.2003 the appropriate exercise for the respondents would have to have issued another order after the order of the Tribunal was passed.

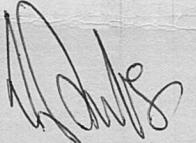
3. In our considered opinion, we are of the view that the contempt petition should be disposed of finally with suitable direction to the parties. The applicant shall report for duty before Senior D.P.O., Izzatnagar pursuant to the order ^{in 18.02.2003} _{already} existing on the subject. The DRM(P) shall allow the applicant to join his duties. The applicant shall file a representation before the competent authority (DRM(P)) in regard to the salary which according to him is payable giving full facts and details of the same. The competent authority shall decide the representation of the applicant within a period of two months from the date the



copy of this order is filed before him.

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


Member-J


Member-A

/Neelam/