

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

CIVIL CONTEMPT PETITION NO. 03 of 2003

IN

ORIGINAL APPLICATION NO. 1136 of 2001

Dated : this the 16th day of September, 2003

HON'BLE MR JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MR. D.R. TIWARI, MEMBER ('A')

A.K.Majumdar S/o late Sh. D.L.Majumdar,
R/o 29 E-F, Central Road, Railway Colony,
Tundla, District Firozabad.

-----Applicant.

Counsel for the Applicant : Shri Ajay Rajendra

| : | Versus | : |

S.C.Manchanda S/o not known,
The General Manager (P),
Northern Railway,
Baroda House, New Delhi.

-----Respondents.

Counsel for the Respondents : Shri A.K.Gaur.

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K.Trivedi, V.C.

We have heard Shri A.Rajendra, learned counsel
for the applicant and Shri A.K.Gaur, learned counsel
for the respondents.

2. By this application applicant has prayed to punish
respondents for Contempt of this Tribunal by wilful
disobedience of the order of this Tribunal dated 15.5.2002
passed in O.A. No. 1136 of 2001. The direction given by
this Tribunal was as under : -

"....Since the order on the representation shows that no such consideration has been given, the respondents are directed to examine the cases cited by the applicant in paragraph 4.20, 4.21. and 4.22 for regularisation of the applicant. In case, the names of persons of Bikaner Division are not available with the respondents, they shall call for these information from the applicant and decide the case of the applicant in a similar manner. Since the case relates to a number of Divisions, Respondent No.1 i.e. General Manager, Northern Railway Baroda House shall call for information at his level and decide the case of the applicant as per directions in this O.A. Respondents shall carry out the direction within a period of four months from the date of receipt of a copy of this order."

It is not disputed that in pursuance of the aforesaid order respondents have passed the order deciding the representation of the applicant. Respondents have passed the order dated 04.04.2003 (Annexure-I) to the Counter Reply, and the representation of the applicant has been decided. He has not been found fit for promotion as Section Engineer.

3. The submission of the applicant's counsel is that by rejecting the representation of the applicant, respondents have by passed the direction of this Tribunal and have rejected the representation of the applicant on the same ground which were not accepted by the Division Bench of this Tribunal while giving direction mentioned above. We have closely examined the order dated 04.04.2003 passed by the respondents, rejecting the representation of the applicant. To some extent, the counsel for the applicant appears to be correct, but for this Tribunal while sitting in the Contempt jurisdiction, it is difficult to enter into such questions. The direction also gives discretion to the Authority to decide the representation applying his mind. If authority while deciding the representation commits error it is difficult to say that it is wilful disobedience of the order.



4.. In the circumstances, we do not find that any case of Contempt is made out so as to punish the respondents. However, if the applicant is dissatisfied with the order he may challenge the same by filing a fresh O.A. Subject to aforesaid the Contempt Application is disposed of. Notice is discharged.

5. There will be no order as to costs.

[Signature]

Member - (A)

[Signature]

Vice - Chairman

Brijesh/-