

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 24<sup>TH</sup> DAY OF NOVEMBER, 2003

Civil Misc. Contempt Application No. 204 of 2003

Original Application No. 1660/94 & 1095/97

CORAM:

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

HON. MR. D. R. TIWARI, MEMBER (A)

1. Durga Prasad Singh, son of Sri Raj Bali Singh, R/o 46/8 Ganesh nagar, Muirabad, Allahabad.
2. Mansoor Ahmed, son of Sri Nazir Ahmed R/o 226/556-B, Daryabad, Allahabad.
3. Sajid Ali, son of Ahmid Ali Siddiqui R/o Railway Colony, Naini, Allahabad.

.. Petitioners

Versus

1. Mathew John, Divisional Railway Manager, Allahabad Division, Allahabad.
2. Rajiv Kishore, Senior Divisional Personnel Officer, D.R.M. Office, Allahabad.

.. Opp. Parties

O R D E R

JUSTICE S. R. SINGH, V.C.

This contempt application has been instituted on the ground of alleged non compliance with the judgment and order dated 8.5.02 passed by the Tribunal in OA No. 1660/94 connected with OA No. 1095/97. By means of the said judgment both the OAs were disposed of in terms of the following direction.:

- i) "The seniority list drawn on 17.12.1996



shall be recasted in terms of judgment in case of Smt. Anuradha Mukherjee's case and the applicants shall be placed at their appropriate places according to that judgment and in terms of the rules contained in para 802 of I.R.E.M Vol.1.

2. The orders of reversion dated 03.10.1997 are set aside. The applicants shall be restored to the position of O.S.Gr.II. However, it shall be subject to further orders passed on re-casted seniority."

It is alleged that despite direction to carry out the orders within four months the respondents have failed to comply with the directions given by the Tribunal.

It has been submitted by Shri T.S.Pandey learned counsel appearing for the petitioners that non compliance with the directions given by the Tribunal is willful and deliberate and, therefore, the respondents are liable to be punished for having committed contempt of the Tribunal.

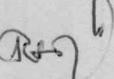
Shri A.K.Gaur learned counsel representing the respondents has submitted that a writ petition has been instituted in the High court and the same is still pending and in the circumstances, therefore, the respondents ~~cannot be said to~~ have willfully failed to carry out the directions given by the Tribunal vide its judgment dated 8.5.02.

Having given our anxious consideration to the submissions made across the bar, we are of the considered view that since a writ petition has been filed against the judgment of the Tribunal, it cannot be said that non compliance of the directions given by the Tribunal is willful and deliberate.

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In the circumstances, therefore, we dispose of this contempt petition subject to the observation that in case the writ petition is dismissed and the order of the Tribunal is not complied with within a period of one month from the date of dismissal of the writ petition, the petitioner may file a fresh contempt petition. There shall be no order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 24.11.2003

Uv/