

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Allahabad, this the 26th day of September, 2003.

QUORUM : HON^{BLE} MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON^{BLE} MR. D. R. TIWARI, A.M.

Civil Contempt Petition No. 66 of 2003

Shiv Mangal Shukla,
aged about 48 years,
S/o Sri U.N. Shukla,
R/o Sipri Bazar, Jhansi. Applicant.

Counsel for applicant : Sri S. Agarwal & Sri S.K. Mishra.

Versus

1. P.K. Pandey,
Divisional Commercial Manager (I),
North Central Railway, Jhansi.
2. Rajiv Bhargava,
Divisional Railway Manager,
North Central Railway, Jhansi.
3. I.P.S. Anand,
General Manager,
North Central Railway,
Allahabad. Respondents.

Counsel for respondents : Sri D.C. Saxena.

ORDER

BY HON^{BLE} MR. JUSTICE R.R.K. TRIVEDI, V.C. :

By this contempt petition filed under section 17 of A.T. Act, 1985 applicant has prayed to punish the respondents for wilful disobedience of the order dated 16.5.2002 passed by the Tribunal in O.A. No. 1552 of 2001. The direction given by the Tribunal was as under :-

"For the reasons stated above, this O.A. is allowed. The impugned notice dated 05.12.2001 (Annexure A/1) is quashed, and all the proceedings taken in pursuance thereof including the impugned order

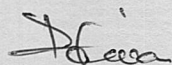
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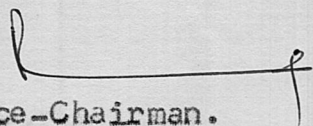


of removal dated 1.2.2002 are also quashed. The proceedings shall be deemed to be closed from here now. No order as to costs."

2. In response to notice, respondents have filed counter affidavit of Sri P.K.Pandey, Divisional Commercial Manager, North Central Railway, Jhansi. In para 7 and 8 of the counter reply it has been stated that against the order of this Tribunal, writ petition No.13175 of 2003 has been filed by the respondents in Hon'ble High Court, which is pending. However, in view of the observations of Hon'ble Supreme Court of India in the case of Suresh Chand Poddar Vs. Dhani Ram 2002 SCC (L&S) 214, the Railway Administration vide order dated 27.6.2003 has taken a decision to reinstate the applicant with immediate effect subject to final outcome of the said writ petition. Thus, the direction of this Tribunal has been fully complied with.

3. In view of the facts and circumstances, stated above, in our opinion, the direction given by this Tribunal dated 16.5.2002 in O.A. No.1552 of 2001 has been fully complied with by the respondents. No case ^{of} contempt is found against the respondents. Accordingly, the contempt petition is rejected and the notices are discharged. No order as to costs.


Member-A.


Vice-Chairman.

Asthana/