

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

CCP NO. 82 OF 2006

IN

ORIGINAL APPLICATION NO.1129 OF 2005

ALLAHABAD THIS THE 28TH DAY OF JANUARY, 2007

**HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J
HON'BLE MR. SHAILENDRA PANDEY, MEMBER-A**

Ram Sajiwan, S/o Late Sita Ram, Aged about 67 years,
R/o EWS-84, Sulemsarai, Preetam Nagar, Dhoomanganj,
Allahabad.

.....Applicant

(By Advocate Shri S.S. Sharma)

V E R S U S

1. Sri Naveen Tandon, D.R.M., N.E.R., DRM Office,
Varanasi.
2. Sri Shatendra Tripathi, DRM, N.E.R., DRM
Office, Varanasi.


.....Respondents

(By Advocate: Sri Anil Kumar)

O R D E R

BY ASHOK S. KARAMADI, MEMBER-A

This Contempt petition is filed against the order dated 22.9.2005 passed in O.A. no. 1229 of 2005 (Ram Sajiwan Vs. U.O.I. & Ors.). By the said order, the Divisional Railway Manager, N.E. Railway, Varanasi was directed to consider and decide the representation dated 6.9.2004 (Annexure A-12) preferred by the applicant by a reasoned and speaking order within a period of three months from the date of receipt of a copy of the order. Having

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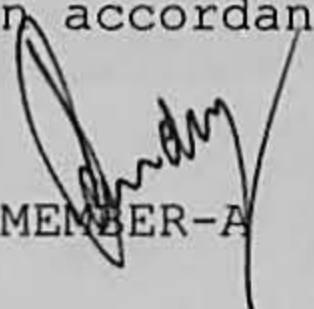
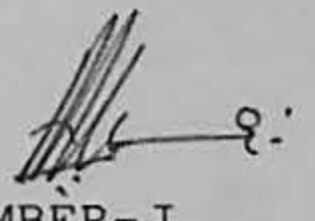
regard to the said order, the respondents have passed the order dated 30.12.2005 which is annexed as Annexure no. 3 to the CCP. Being aggrieved and not satisfied by the said order passed by the respondents, this Contempt petition is filed for taking action against the respondents for disobedience of the order of this Tribunal.

2. On notice, the respondents have filed detailed Counter Affidavit stating that the respondents have taken into account the order passed by this Tribunal and by applying the relevant rules, the claim of the applicant was decided by the said order dated 30.12.2005 and further it is stated that subsequently the applicant made another representation before the respondents concerned and as the said representation of the applicant was also decided by the concerned authority by passing necessary order, a copy of the same is produced as Annexure CA-II to the Counter Affidavit. Based on these two orders and having regard to the fact, that another O.A. no. 288 of 2006 was filed by the applicant and the same is still pending for consideration regarding his other grievance, against the same department by the same applicant is concerned, hence request for dismissal of contempt petition.

3. We have heard the learned counsels of the parties and have perused the material available on record.



4. The grievance of the applicant's counsel is that even though the order of the Tribunal was to consider the case of the applicant's claim made in the representation, but the respondents passed an order in respect of certain claims and have not considered in toto. The learned counsel for the respondents submits that the respondents have passed the order after taking into account all the facts of the applicant and passed a speaking order in compliance of the directions given by this Tribunal. Having heard both the counsels and on going through the order passed against which the contempt petition is filed, it is clear that the respondents have taken into consideration the order passed by this Tribunal and passed a necessary speaking order with regard to the representation submitted by the applicant, a copy of the same has been annexed with the Counter Affidavit. It is brought to our notice that the grievance of the applicant with regard to other claim is concerned, the applicant has filed O.A. no. 288 of 2006 is filed and the same is pending before this Tribunal. Having regard to the submissions, and circumstances of the case, we do not find any justifiable ground to continue the contempt proceedings any further. In view of this ~~matter~~, the Contempt proceedings are dropped and notices issued to the respondents are discharged. The applicant is at liberty to pursue his remedy if any in accordance with law.


MEMBER-A
MEMBER-J

GIRISH/-