

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

Contempt Petition NO. 90 of 2006

(Arising out of Original Application NO. 426 of 2006)

ALLAHABAD THIS 415 DAY OF June 2008

Hon'ble Mr. Justice Khem Karan, Vice-Chairman

Hon'ble Mr. N.D. Dayal, Member -A

Anand Kumar son of Shri Ajay Prasad, Resident of 541 C,
Jalalpatti, Diesel Locomotive Works, Varanasi.

.....Applicant

(By Advocates: Shri V.K. Upadhyaya/Shri R. Upadhyaya)

Versus.

1. Shri Ravindra Sharma, General Manager, Diesel Locomotive Works, Varanasi.
2. Shri Saharsh Bajpae, Deputy General Manager (Personnel), Diesel Locomotive Works, Varanasi.
3. Shri K.V. Nagaich, Chief Personnel Officer, Loco and Competent Authority, Diesel Locomotive Works, Varanasi
4. Shri S.K. Singh, Work Manager (Engine), Diesel Locomotive Works, Varanasi.
5. Shri Hemant Katiyar, Chief Mechanical Engineer (Production), Diesel Locomotive Works, Varanasi

.....Respondents

(By Advocates: Shri A.K. Sinha/Shri Lalji Sinha)

O R D E R

By Justice Khem Karan, Vice-Chairman

Aggrieved of termination order dated 11.3.2006 and notice dated 25.2.2006, applicant filed O.A. NO. 426 of 2006 wherein vide interim order dated 25.4.2006, this Bench stayed the operation of order dated 11.3.2006 (Annexure A-2) till 8.5.2006 and the same was extnded from time to time.

2. The respondents in the O.A. put in appearance, filed reply and application for vacating the stay. On 1.6.2006, the Bench again heard the parties counsel and bya detailed order, extended the interim stay to continue till 10.8.2006.

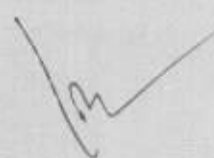
3. In the first week of July 2006, applicant filed this contempt petition under section 17 of Administrative Tribunal Act 1985, saying that by not permitting him to continue in

service inspite of knowledge of interim order dated 25.4.2006 and by issuing order dated 28.6.2006, for getting the Railway quarter vacated from the applicant, the respondents willfully disobeyed the stay order and they be summoned and punished. Notices were issued to respondent Nos. 3 and 4 and in response to these notices, they filed reply in November 2006. They have come with a version that since termination dated 11.3.2006 had already come into effect and since the applicant had already ceased to be the Railway servant much before interim order dated 25.4.2006, so it cannot be said that they have willfully disobeyed the said interim order dated 25.4.2006, by not taking the applicant in service. They say realizing the legal position, applicant himself moved one application for issuing direction to the respondents to reinstate him. They have also stated in para-26 that they are tendering unconditional apology and they have full respect for the orders of the Tribunal and have never thought of flouting the same. In regard to the allegation in para-12 of the contempt application that applicant was forcibly evicted from the Railway quarter on the basis of certain orders issued by the authority concerned on 28.6.2006, the respondents have tried to say that applicant himself shifted his luggage and family and was not living in the quarter, so the possession was taken as per Rules. Attempt has also been made to say that report are received from the Government of Bihar to the effect that applicant is not "Gond" by caste and is not a Scheduled Tribes candidate.

4. By filing supplementary reply, respondents NO. 3 and 4 have tried to say that it is not correct that the belongings of the applicant were thrown away and the correct fact is that the said quarter was completely vacant and one person alleging himself to be the brother of the applicant was found in the said quarter and so the quarter was sealed. Copy of report is at CA-2.

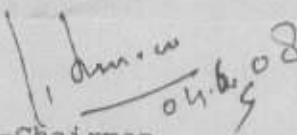
5. Applicant has filed rejoinder, reiterating the pleas already taken in the contempt petition.

6. These contempt proceedings were being taken up together with O.A. Parties counsel were heard in both the matter. The O.A. is being disposed of separately.



7. We have not been able to understand as to what was the occasion for the respondents NO. 3 and 4 to have recourse to get the Railway Quarter vacated, when interim order dated 25.4.2006 of this Tribunal was operating. We are not concerned in these proceeding with the merits and demerits of the claim of the applicant in the O.A. After the interim order dated 25.4.2006, the respondents should not have resorted to getting the accommodation vacated from the applicant, especially when they had put in appearance and had moved for vacating the stay. In our opinion this act of the respondents No. 3 and 4 was not inconsonance with the letter and spirit of the interim order dated 25.4.2006. As we are already allowing the original application and directing for reinstatement of the applicant in service and issuing certain other directions for getting the matter examined by the State Level Scrutiny Committee as provided in the directions issued by the Apex Court in Kumari Madhuri Patil's case (supra) and as the respondents No.3 and 4 have tendered unconditional apology, so we do not proceed further and drop the proceedings in the hope that respondents NO. 3 and 4 will not create such a situation in future. So the proceedings are dropped and notices issued to the respondents NO. 3 and 4 are discharged.


Member-A


Vice-Chairman

Manish/-