

(9)

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD**

Civil Misc. Contempt Petition No.99 of 2006.

In

Original Application No.136 of 2006.

Allahabad, this the 2nd day of April, 2007.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman
Hon'ble Mr. P.K. Chatterji, Member-A

Rakesh Kumar and others.

..Applicant.

(By Advocate : Shri S. Ram)

Versus

1. Shri S.K. Chaudhary, Divisional Railway Manager,
North Central Railway, Allahabad.
2. Shri Nuruddin Ansari, Sr. Divisional Personnel
Officer, N.C. Railway, Allahabad.
3. Shri Mohd. Azhar Shums, Sr. Divisional Commercial
Manager, N.C. Railway, Allahabad.

....Respondents.

(By Advocate : Shri Anil Kumar)

O R D E R

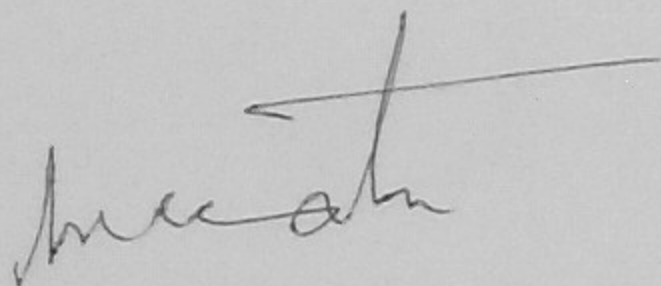
By Hon'ble Mr. Justice Khem Karan, V.C. :

The applicants filed one OA No.136/06, aggrieved of their having been declared surplus as Coach Attendants and having been placed ^{as} Helper Khalasi. This Tribunal passed an interim order on 2.3.2006 asking the respondents to maintain status-quo. This interim order continued, even ~~thereafter~~ the OA is pending and reply therein has already been filed.

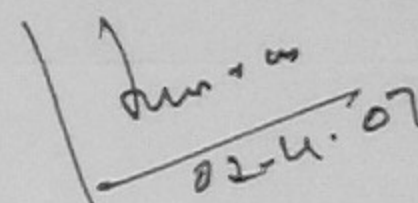
2. In this contempt proceedings, the respondents have come with a case that the interim order has not been violated by issuing the order dated 20.6.2006 sparing the surplus staff as these persons had already been directed to join new post of Helper Khalasi vide order dated 27.9.2005. Copy of that

order has also been annexed ^{to} the reply. Learned counsel for the ~~applicant~~ ^{respondent} says that the applicants have also admitted in their supplementary rejoinder that they are not getting salary since September, 2005. He says that it cannot be said that by issuing subsequent order on 20.6.2006, the respondents did something new and according to him, they have already been spared vide order dated 27.9.2005. Learned counsel for the applicant, however, argues that if they had already been spared by order of September, 2005 where was the occasion to pass any order on 20.6.2006. He has also stated that the applicants were directed to present themselves on 3.2.2006 before ^{Sr.} D.P.O.

3. After considering the respective submissions and perusing the material on record including our own order ^{dated} ~~of~~ _{2.3.06} ⁷¹ we are of the view that there is no good ground for proceeding against the respondents for contempt of court. It appears that the applicants had already been directed vide order of September, 2005 to join on the post of Helper Khalasi and were not getting the salary since then. So it cannot be said that the respondent No.1 has dis-obeyed the orders of status-quo by further asking the applicants to go and join. The contempt proceedings are dropped and notices issued to the respondents are discharged.



Member-A



Vice-Chairman