

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 28th day of APRIL 2008

Contempt Application No. 108 of 2006

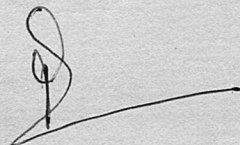
IN

Original Application No. 1191 of 2002

Hon'ble Mrs. Meera Chhibber, Member (J)

Hon'ble Mr. N.D. Dayal, Member (A)

1. P.K. Awasthi, S/o late Laxmi Narain Awasthi, 67 OPQ Vth Avenue, Traffic Colony, North Central Railway, Senior Section Engineer (Electrical)/Construction Under Dy. CEF/Construction, Allahabad.
2. Ashok Kumar, S/o Jayanti Prasad, R/o 16/375, Vashundhara Link Road Sahibabad, Ghaziabad (UP) Senior Section Engineer(Electrical) Construction, New Delhi.
3. G.P. Sharma, S/o B.P. Sharma, Senior Section Engineer (Electrical), Kanpur Train Lighting, Kanpur.
4. M.K.H. Siddique, S/o late M.J.H. Siddiqui, 66-IJ Vth Avenue Traffic Colony, N.C. Rly., Senior Section Engineer (Electrical) Train Lighting, Allahabad.
5. A.N. Sharma, S/o late Deen Chand, 4-B, Nirala Nagar, Railway Colony, Kanpur Senior Section Engineer (Electrical) Air Conditioning, Kanpur.
6. Mohd. Tahir S/o late Sabir Husain, B-2/405 Elico Garden Afeen Kothi, Kanpur, Senior Section Engineer (Electrical) Power Supply, Kanpur.
7. K.S. Yadav, S/o late Baboo Ram Yadav, Village Nizampur Garuma, District Firozabad, Retired Senior Section Engineer (Electrical) Train Lighting, Tundla.
8. V.N.P. Yadav, S/o Bindeshwari Prasad, 227/17/38 Lalbagh Colony, Rajropur, Allahabad, Retired Section Engineer (Electrical) Train Lighting, Allahabad.
9. Subodh Kumar Srivastava, S/o late V.N. Srivastava, 68 LM IV Avenue, Traffic Colony, N.C. Railway, XEEN/RSO/HQ/N.C. Railway, Allahabad.
10. Ajit Singh, S/o late Harnam Singh, 2892/1 Gali-Dubgram Katra Mohan Singh, Amritsar, retired Section Engineer (Electrical) Air Conditioning, Allahabad.



11. P.S. Tiwari, S/o late Rama Dutt, 46 C, Lowther Road George Town, in front of Theosophical Society (Anand Lodge), Allahabad, Senior Section Engineer (Electrical) A.C. Coach, North Central Railway, Allahabad.

... Applicants

By Adv: Sri A.S. Diwakar

V E R S U S

1. Shri V.N. Mathur, General Manager, Northern Railway, Head quarter office, Baroda House, New Delhi.
2. Shri Ashutosh Swami, General Manager (P), Northern Railway, Head quarter office, Baroda House, New Delhi.
3. Shri Amaresh Singh, General Manager (P), North Central Railway, Headquarter Office Sangam Place Building, Civil Lines, 8th Floor, Allahabad.
4. Sri Shiv Kumar Chowdhari, Divisional Railway Manager, North Central Railway, Allahabad.
5. Sri Noor Uddin Ansari, Senior Divisional Personnel Officer, North Central Railway, Divisional Railway Manager Office, Allahabad.

... Respondents

By Adv: Sri Anil Kumar

O R D E R

By Hon'ble Mrs. Meera Chhibber, Member (J)

This contempt petition has been filed for disobedience of the order of this Tribunal dated 24.04.2006 passed in OA No. 1191/02. By the said order dated 24.04.2006 following directions were given to the respondents:

- "a. Respondents will modify the final seniority list dated 11.8.1994, and restore their seniority position of the applicant on the basis of their retrospective promotion on 1.1.1984.
- b. Respondents will not make any deduction from the salaries of applicants on any ground whatsoever.
- c. The applicants and respondents will bear their own costs. In consequence thereof, the OA is allowed."

2. Learned counsel for the respondents has invited our attention to the order dated 27.11.2006 passed by the Hon'ble



Allahabad High Court in Writ Petition No. 64449/06 whereby the status quo was directed to be maintained regarding seniority (Annexure CA-1). However, since inspite of the direction given by this Tribunal the respondents were still making deduction from the salary of the applicant. This Tribunal had directed the respondent to be present in the Court on 28.04.2008 or ensure compliance of the order of this Tribunal vide order dated 11.03.2008. Today learned counsel for the respondents has handed over supplementary affidavit alongwith order dated 17.04.2008 issued on behalf of Divisional Personnel Officer, North Central Railway, Allahabad, wherein it has been recorded as follows:

"As per order of competent authority for implementation of orders passed by Hon'ble CAT/ALD on 11.03.08 in OA No. 1191/02 (CCA No. 108/06) a copy of which is being enclosed for ready reference and stopping deduction in terms of noting given for recovery vide this office noting referred to above.

The orders of Hon'ble CAT/ALD as quoted above be implemented intrusion, and intimation be given for intimation to legal cell and Hon'ble Court."

3. It is also stated by the learned counsel for the respondents that no more recovery shall be made from the salary of the applicant and the amounts which has already been deducted from the salary of the applicant shall be re-paid to him once Writ Petition is finally decided in favour of the applicant.

4. In view of the above this contempt petition ~~is~~ no more survives. The same is accordingly dismissed. Notices issued to the respondents are discharged.



Member (A)



Member (J)

/pc/