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(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

PRESENT

**HON'BLE MR.JUSTICE A.K. YOG, MEMBER (J).
HON'BLE MR. K. S. MENON, MEMBER (A).**

ALLAHABAD this the **19th** day of **August, 2008.**

CIVIL CONTEMPT PETITION Number 135 OF 2006.

(Arising out of Original Application No. 1221 of 2005)

Arjun Lal S/o Shri Sharda Deen
R/o Village Malak Nagar Birahibad
Post Muratganj, Kasia Purv,
District Kaushambi..

.....Applicant

By Advocate: Sri C.P. Gupta

V E R S U S

Sri Shiv Kumar Chaudhary,
Divisional Railway Manager,
N.C.R. Nawab Yusuf Road,
Allahabad.

.....Opposite Party

By Advocate: Sri A.K. Pandey

O R D E R

DELIVERED BY: HON'BLE MR. JUSTICE A.K. YOG, J.M.

Learned Counsel for the opposite party has filed Supplementary Counter Affidavit/ Compliance Report dated 15.07.2007 today alongwith M.A No. 1685/2007 (with prayer to condone the delay in filing Short Counter Affidavit/Preliminary Objection)- This application has been rendered infructuous in view of the facts stated in Supplementary

Counter Affidavit vide para 3 to 7. Para 3 to 7 of the Supplementary Counter Affidavit reads: -

"3. That it is pleaded in the Short Counter that the applicant never communicated the order dated 05.12.2005 to the Divisional Railway Manager, North Central Railway, Allahabad. Secondly, no notice was issued to the respondents and the order was passed at the admission stage without any information forwarded to the Railway Administration. In such circumstances, the Railway Administration remained completely in the dark about the order dated 05.12.2005 having been passed by this Hon'ble Tribunal.

4. That for such reasons the order dated 05.12.2005 passed in the above noted Original Application by this Hon'ble Tribunal could not be complied with. Hence the instant Contempt Application has mischievously been filed by the applicant.

5. That in the facts and circumstances when no notice was issued to the Railway Administration in the Original Application as noted in the ex parte order dated 05.12.2005 passed by this Hon'ble Tribunal was never communicated by the applicant, directly filing the contempt case is the apparent misuse of judicial setup in general and of this Hon'ble Tribunal in particular. For this act of misappropriation the applicant himself is liable for being prosecuted under the relevant law.

6. That in view of the facts stated hereinabove, as the answering respondent was not aware of the order passed by this Hon'ble Tribunal in the above noted Original Application the present contempt notices are liable to be dropped and discharged in the interest of justice.

7. That however, the Railway Administration looked into the case tracing out all the papers of the applicant and with a view to redressing the grievances of the applicant passed order dated 26.03.2007 whereby the applicant has been provided the benefits of service w.e.f. 25.04.1973 and accordingly the pension benefits were also paid. Photocopy of the detailed speaking order dated 26.03.2007 passed by the competent authority is being enclosed herewith and marked as Annexure SCA-1."

2. In view of the above, we ignore the contempt, if any, committed by the opposite party. Learned counsel for the opposite party is directed to send copy of this Supplementary Counter Affidavit/Compliance Report by registered post AD to the applicant (at the address contained in C.C.P)

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within two weeks from today. We may place on record that Supplementary Counter Affidavit ~~Notice~~ ^(A) has been submitted in court without serving its copy to the learned counsel for the applicant on the ground that he is not traceable. Hence the above order.

3. Subject to above observation, Contempt Petition stands dismissed. Notice issued to the opposite party is hereby discharged.

Anand
MEMBER (A)

Al. P. G.
MEMBER (J)

/Anand/