

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. CONTEMPT PETITION NO.168 OF 2006
IN
ORIGINAL APPLICATION NO.858 OF 2006

ALLAHABAD, THIS THE 10TH DAY OF JULY, 2007

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J
HON'BLE MR. K.S. MENON, MEMBER-A

1. Lal Bahadur aged about 53 years,
S/o Late Sri Madho Singh, R/O Village Nagla Ram
Phal, Post Raja Ka Bag, District Etawah.
2. Mohan Lal aged about 53 years, Son of Late
Sri Balak Ram, R/O Village and Post Baba Ka Purva
(Phaphund), District-Auraiya.
3. Murlidhar aged about 50 years, Son of Late
Sri Banshidhar, R/O Mohalla Snajay Nagar Purana
P.W.I. behind to store Debiapur,
P.O. Debiapur, District Auraiya.

. Applicants

By Advocate : Shri B. N. Singh

Versus

S. K. Chaudhary,
Divisional Railway Manager,
North Central Railway, Allahabad.

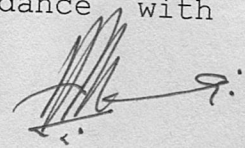
. Contemnor/Respondents

By Advocate : Shri Anil Dwivedi

O R D E R

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

This Contempt Application is filed against the order dated 24.08.2006 passed in O.A. No.858 of 2006. By the said order, in the facts and circumstances of the case, it is directed that applicant will not be compelled to join as Helper Khalasi till 07.09.2006 and their representations (copy of which as Annexure A-17) for adjusting him in Group 'C' in Passenger Club category shall be considered in accordance with

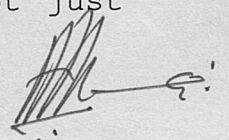


relevant orders/Rules within a period of one month from today. In case, the applicants themselves want to join on the post of Helper Khalasi, they shall be permitted to do so. This order was subsequently communicated to the respondents and the grievance of the applicant is that they have not complied with the said order.

2. On notice, respondents have filed their counter affidavit contending that they have complied with the order of this Tribunal and passed a detailed order dated 21.12.2006 and they have not disobeyed the order. The case of the applicant was considered and, therefore, sought for dismissal of the contempt proceedings.

3. We have heard the learned counsel for the parties and perused the pleadings and the materials placed on record. The learned counsel for the applicant contends that having regard to the order passed on 24.08.2006 the respondents ought to have been reinstated the applicants as Coach Attender, it is his grievance, therefore, they have violated the order of this Tribunal and as such they have disobeyed the order. They have not paid him the salary also.

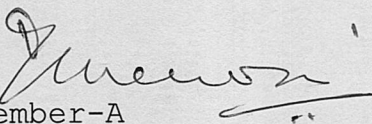
4. On perusal of the order there is no direction to reinstate the applicants into service and to pay him salary and also he shall be considered only as a Coach Attender. On going through the order it is not just



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and proper to accept the contentions raised by the learned counsel for the applicants, but it is stated in the order that it shall be considered in accordance with the rules applicable to the applicant. Having regard to the same, we cannot give direction to the respondents to give a particular posting and to continue the applicant in service. In absence of any specific direction, the contention of the applicant that the applicants should be reconsidered in service on the post of Coach Attender cannot be accepted. On the other hand, in the counter affidavit it is stated that the respondents have taken into consideration his case and appropriate order was passed on 21.12.2006 by the respondents, which is enclosed herewith as Annexure-1 to the Counter affidavit.

5. In view of the foregoing reasons, we are not inclined to continue the Contempt proceedings, and accordingly, it is dismissed. Notices issued to the respondents are discharged.


Member-A


Member-J

/ns/