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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 05 day of JULY, 2007.

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

CONTEMPT PETITION NO. 175 OF 2006

IN

ORIGINAL APPLICATION NO. 89 OF 2005

A. Haldhar & 36 others.

.....Applicants.

V E R S U S

1. Sri Budh Prakash, General Manager, N.C.R.
Headquarters Office, Allahabad.

2. Sri S.K. Chaudhary, D.R.M., N.C.R., Allahabad.

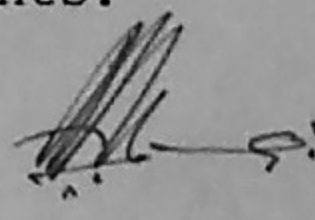
.....Respondents

Present for the Applicant: Sri S.S. Sharma
Present for the Respondents: Sri Anil Dwivedi

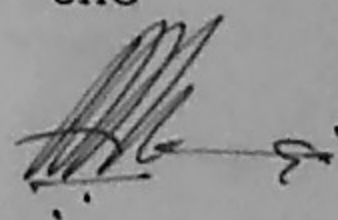
O R D E R

BY ASHOK S. KARAMADI, MEMBER-J

Heard the counsel for the applicant and respondents. This Contempt petition is filed against the order dated 1.2.2006. The grievance of the applicant is that in spite of the order passed by this Tribunal, the respondents have not obeyed the order and even have brought another order dated 20.6.2007, which is produced as Annexure 4 at page 34. Therefore, the present Contempt petition has been filed seeking action against the respondents.




2. The learned counsel for the applicant has also filed M.A. No.1298/07 in the pending Contempt Petition seeking prayer of stay of the order dated 20.06.2007 passed by the respondents along with other documents, it is further stated that the respondents department has filed Misc. Application seeking four months time to take suitable action or decision in the matter. On these facts it is contended by the learned counsel for the applicant that the respondents even though the order is passed on 01.02.2006, in absence of complying the same passed the another order dated 20.06.2007, therefore, he submits that the permission of stay as sought for in this Misc. Application be granted. On notice the respondents have appeared through their counsel. The learned counsel for the respondents submits that, the respondent's department has not disobeyed the order passed by this Tribunal, on the other hand, the steps are taken in pursuance of the same and the matter is yet to be finally decided and the decision will be taken in the matter, and the respondents have not violated any order of this Tribunal. Further he has stated that in terms of the revised procedure as contained in the Ministry's letter dated 07.08.2003 and demands raised by the Federations the Zonal Railways were allowed to conduct selection for promotion as Loco Pilot (Passenger) on the basis of viva-voce only after passing the prescribed promotional course vide Ministry's letter dated 06.09.2005, and shows the



procedure to be followed for holding selection for promotion to post classified for selection of the letter dated 23.02.2007, therefore, sought for the dismissal of the Misc. Application as well as the contempt petition.

3. We have heard the learned counsel for the parties and perused the pleadings and the materials placed on record. We prima facie of the opinion, that the respondents have not committed the disobedience of the order passed by this Tribunal, as contended by the learned counsel for the applicant that he is seeking stay of the order dated 20.06.2007 produced as Annexure-4 in the Misc. Application, is nothing to do with the order passed by this Tribunal but it is an independent order passed by the respondents and, therefore, the applicant cannot make such a Misc. Application in the contempt proceedings seeking order of stay of the same and as such when it is brought to the notice of the learned counsel for the applicant the learned counsel for the applicant at that stage sought for permission and stated that steps will be taken in accordance with law challenging the order dated 20.06.2007 passed by the respondents and sought the liberty for the same.

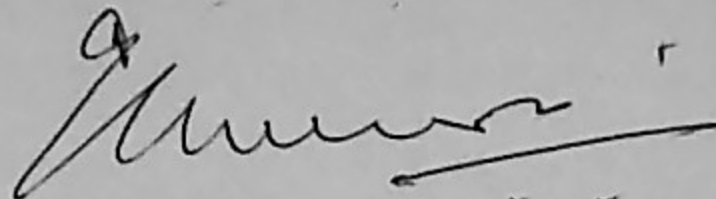
4. Having regard to the submission of the learned counsel for the applicant we are of the opinion, that the respondents have not disobeyed the order of



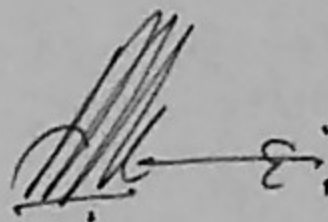
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the Tribunal and as such by giving liberty to the applicant to agitate against the order dated 20.06.2007 in the appropriate forum in accordance with law.

5. For the foregoing reasons and the observations, Misc. Application is dismissed. Contempt Petition is closed and the notices issued to the respondents are discharged.



MEMBER-A



MEMBER-J

GIRISH/-