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**Open Court**  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH**  
**ALLAHABAD**

**Contempt Petition No. 194 of 2006**  
**Original Application No. 1246 of 2005**

Monday, this the 17<sup>th</sup> day of March, 2008

**Hon'ble Mr. A.K. Gaur, Member (J)**  
**Hon'ble Mr. K.S. Menon, Member (A)**

Brij Kishore son of Ram Lakhan r/o Pushpa Vihar Colony, Mathura Post Office Gayatri Tapobhumi District Mathura.

**Applicant**

**By Advocate Sri Vinod Kumar**

**Versus**

1. Sri Sukhbir Singh, General Manager, N.E. Railway, Gorakhpur.
2. Sri A.K. Srivastava, Divisional Railway Manager (P), N.E.R., Izzat Nagar, Bareilly.
3. Sri C.L. Shah, Divisional Railway Manager (Operating), N.E. Railway, Bareilly.

**Respondents**

**By Advocate Sri K.P. Singh**

**O R D E R**

**By A.K. Gaur, Member (J)**

We have heard Sri Vinod Kumar, Counsel for the applicant and Sri K.P. Singh, Counsel for the respondents. This Tribunal vide Order dated 09.03.2006 directed the respondents as under: -

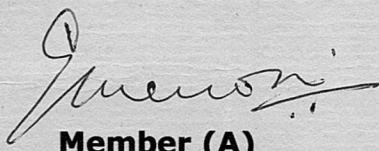
*"Hence, it is directed that notional promotion as Station Master with retrospective effect, shall be made immediately and the notional promotion shall continue till such time he has been assigned higher responsibility of the Station Master, where after, the applicant would be entitled on actual basis, to his pay and allowances of the scale applicable to Station Master. For this purpose, it is to be ensured that there shall be vacancy in NER in Izatnagar Division to accommodate the applicant now as Station Master. Subject to the same, the respondents are directed to implement both the orders referred to in para 1 above, by transferring the applicant to Izatnagar Division (deemed to have been transferred w.e.f. 28.03.2003) and accordingly necessary seniority and promoting the applicant as Station Master against any available vacancy in Izatnagar Division and if not, in the next available vacancy. It is made clear that the applicant shall be entitled to higher pay and allowances actually only from the date he assumes the higher responsibility.*

The above order was directed to be complied with within a period of three months from the date of communication of the Order. We have carefully gone through the counter affidavit filed by learned counsel for the respondents and in paragraph No. 9 of the counter affidavit, it is

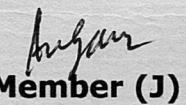
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specifically mentioned that the Order of the Tribunal has already been complied with and the applicant has already been transferred on the available vacancy. It is further stated that the applicant has already been given seniority as per the direction of this Tribunal along with the transfer allowance and arrears of pay. On the other hand, Sri Vinod Kumar, learned counsel for the applicant has vehemently alleged that no such transfer allowance and arrears of salary has been paid till date. That being so, he may file another O.A. challenging the aforesaid action of the respondents. However, from the statement and facts stated in the counter affidavit, we are satisfied that the Order of this Tribunal has been complied with. Accordingly, contempt petition is dismissed and notices issued to the respondents are hereby discharged. However, it is open to the applicant to file an O.A., if so advised, for redressal of his grievance.



**Member (A)**



**Member (J)**

/M.M/