

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

**C.C.A. 23 of 2006
In
O.A. NO. 678/04**

Tuesday this the 24th day of April, 2007

**Hon'ble Mr. Ashok S. Karamadi, Judicial Member
Hon'ble Mr. K.S. Menon, Administrative Member**

Chhavi Dutt Sharma S/o Late Shri Ram Dutt Sharma, S/o Late
Shri Ram Dutt Sharma, R/o House No. 823/A, Railway Colony,
Jhansi, Central Area.

Applicant

By Advocate Sri B.N. Singh

Versus

1. Sri Budh Prakash, General Manager, North Central
Railway, Head Quarter, Allahabad.
2. Sri N.K. Batra, Chairman Railway Board, Railway
Bhawan, New Delhi.

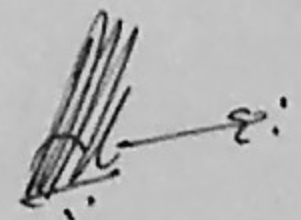
Respondents

**By Advocate Shri Tarun Verma
Shri Anil Kumar.**

ORDER

By Ashok S. Karamadi, Member (J)

This contempt application is filed for non-compliance of the Order dated 16.07.2004 passed in O.A. No. 678 of 2004, Order dated 17.08.2004 passed in O.A. No.854 of 2004 and Order dated 05.05.2005 passed in O.A. No. 417 of 2005. The grievance of the applicant is that in spite of the Orders passed in the aforesaid Original Applications, the respondents have not complied with the same and, as such, they are disobeying the Orders willfully and, therefore, sought for action against the respondents for disobedience of the Orders. On notice, the respondents have filed their Counter Affidavit and stated that having regard to the fact that earlier proceedings in which the Order was passed by this Tribunal therein the respondents were not heard in the matter and in the absence of opportunity to the

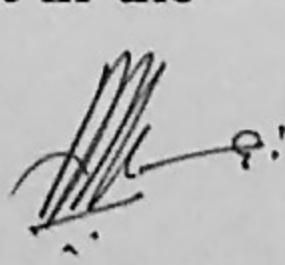


respondents, the Order came to be passed. Thereafter challenging the Order, the respondents have filed a Writ Petition before the Hon'ble High Court and the Hon'ble High Court has set aside the Order and the matter was remitted back to this Tribunal for fresh consideration. In view of the aforesaid facts and material on record, it is clear that the dispute involved in the present matter has not yet been finally settled. Having regard to the facts and circumstances of the case, the respondents have sought for dismissal of the present contempt petition. It is further submitted that in the O.A. which is pending consideration, they have already put appearance and filed their C.A. and in that view of the matter it is not proper remedy to continue with the contempt proceedings even though no final order has been passed in the O.A.

Learned counsel for the applicant submits that as the respondents have disobeyed the Orders passed by this Tribunal even though one of the Orders was merged with the Order passed by the Hon'ble High Court and the matter was remanded and in the absence of bonafide on the part of the respondents, the Contempt Petition can be taken up for suitable action against the respondents.

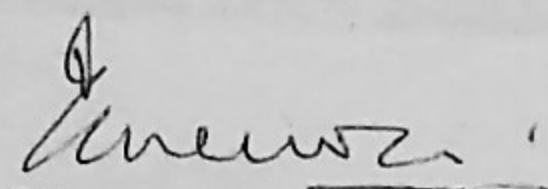
We have heard the learned counsel for the applicant in Contempt and S/Shri Tarun Verma and Anil Kumar, learned counsel appearing for the respondents. We also perused the material records before us.

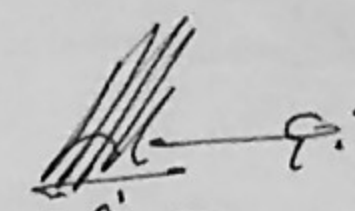
From the records, it is clear that present contempt petition is not against one order but against 3 orders passed in 3 different Original Application on different dates. Having regard to the facts when it is brought to the knowledge of learned counsel for the petitioner, it is stated that it is procedure irregularity. He also said that contempt petition is filed against the orders mentioned above but has not clarified whether this common contempt petition is maintainable. Having regard to the facts submitted by learned counsel for the parties, we are of the considered opinion that present contempt petition is not ~~just and~~ maintainable. It is noticed that in the



3

earlier proceedings in which the Order was passed by this Tribunal therein the respondents were not heard in the matter and in the absence of opportunity to the respondents, the Order came to be passed. Thereafter challenging the Order, the respondents have filed a Writ Petition before the Hon'ble High Court and the Hon'ble High Court has set aside the Order and the matter was remitted back to this Tribunal for fresh consideration. In view of the aforesaid facts, we are of the view that it is proper to hear the arguments of learned counsel for the parties in the pending Original Application instead of continuing with the contempt proceedings. According, contempt proceedings in the present contempt petition are dropped and notices issued to the respondents are discharged. The pending Original Applications will be taken up on 07th May 2007 and counsel for the parties are expected to make their arguments on that date. Copy of this Order be placed in the connected Original Applications.


Member (A)


Member (A)

/M.M./