

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the **26th** day of **February, 2009**.

**HON'BLE MR. A.K. GAUR, MEMBER- J.
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER- A.**

CIVIL CONTEMPT PETITION NO. 168 OF 2007

(Arising out of O.A No. 1210/ of 2003)

Salik Ram, S/o Late Behari Lal, r/o 227-D, Behind Shiv Mandir, Mani Nath, Bareilly, U.P.

...Applicant.

V E R S U S

1. Sri Sukhvir Singh, General Manager, North Eastern Railway, Gorakhpur.
2. Sri Shailendra Kumar Srivastava, The Divisional Railway Manager (Karmik), North Eastern Railway, Izatnagar, U.P.
3. Mahbub Ali Khan, The Chief Crew Controller (BC), North Eastern Railway, Bareilly City.

.....Contemnors/opposite parties

Present for applicant : Sri S.K. Mishra

Present for opposite parties: Sri A.K. Sinha

ORDER

BY HON'BLE MR. A.K. GAUR, J.M.

By means of this CCP the applicant has alleged that the order and direction dated 29.11.2006 passed by this Tribunal in O.A No. 1210/2003 has willfully been disobeyed by the opposite parties. The operative portion of the order dated 29.11.2006 reads: -

"7. With these observations we quash the impugned order dated 09.05.2003 and direct that the respondent would reexamine the matter with due regard to our observations made in the preceding paragraph and issue a reasoned and speaking order. This may be done within a period of four months from the date of receipt of this order. No costs."

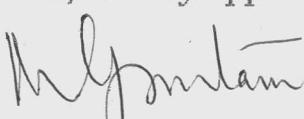
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2. In pursuance of the said directions, the competent authority vide its order dated 29.03.2007/Annexure-9 of CCP passed a detailed and reasoned order. But the learned counsel for the applicant stated that the order and direction of the Tribunal has not fully been complied with as no detailed enquiry has been conducted in accordance with rules and report of the Inquiry Officer has not been taken into consideration while passing the order dated 29.03.2007.

3. On the other hand learned counsel for the opposite parties contended that legality or correctness of an order passed in compliance of the direction of this Tribunal cannot be the subject matter of contempt proceeding.

4. Having gone through the order dated 29.03.2007/Annexure-9 of CCP, we do not find any case of civil contempt. In view of the decision rendered by Hon'ble Supreme Court in **V. Kankrajan's case reported in AIR 1996 (SC) page 2758 and Lalit Mathur's case reported in 2000 (10)SCC page 285**, since the case of the applicant has been re-examined in the light of observations made by the Tribunal, it will not be open for the Tribunal to see correctness and legality of the order dated 29.03.2007 (Annexure-9 of CCP) in contempt jurisdiction.

5. In view of the above observation, CCP is dismissed. Notices are discharged. However, if the applicant is still aggrieved with the action of the respondents, he may approach the appropriate forum.


MEMBER- A


MEMBER- J

Anand/