

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the **18th** day of **February, 2007**.

**HON'BLE MR. JUSTICE A.K. YOG, JUDICIAL MEMBER
HON'BLE MR. K.S. MENON, MEMBER- A.**

CIVIL CONTEMPT APPLICATION NO. 54 OF 2007

Chandra Mohan Arya, S/o Sri Ram Dhani, a/a 42 years,
R/o 9, Anup Khand opposite Rapti Nagar, Telephone Exchange,
Rapti Nagar, Phase-III, Gorakhpur.

.....Applicant

VE R S US

1. Sri Shailendra Tripathi, Divisional Railway Manager,
North Eastern Railway, D.R.M's Office, Varanasi.
2. Sri Sukhvir Singh, General Manager,
North Eastern Railway, Gorakhpur.

.....opposite parties

Present for the Applicant: Sri Sudama Ram
Present for the opposite parties: Sri Anil Kumar

O R D E R

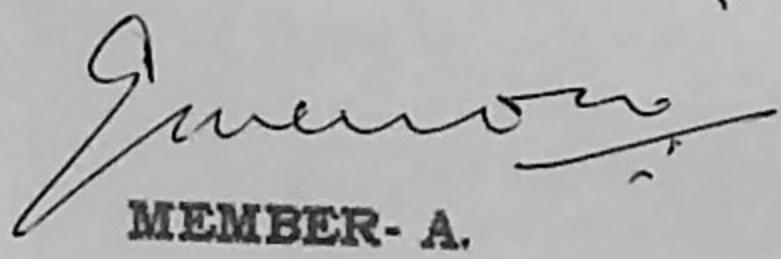
BY HON'BLE MR. JUSTICE A.K. YOG, J.M.

Sri Anil Kumar, Advocate, appeared on behalf of the opposite parties who have filed Counter Affidavit today and also made categorical statement that the order dated 05.09.2006 in O.A No. 983/2004 passed by this Tribunal has been complied with. We are also informed by Sri Anil Kumar that against the order of Tribunal in question dated 05.09.2006, a writ petition was filed before High Court, Allahabad, in which, today i.e. 18.02.2008, High Court has passed interim order staying the operation of the order of Tribunal. Accepting statement of learned counsel for the opposite parties/contemnor, it is clear that once order of the Tribunal was complied and given effect, there was no occasion for seeking interim stay from the High Court. Filing of interim application was an infructuous and redundant. We do not know whether he was informed of the above

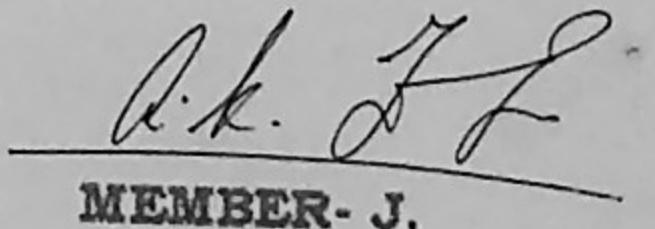
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fact as stated by Sri Anil Kumar, Advocate before us today. Learned counsel for the opposite parties could not dispute above proposition. The applicant is at liberty to approach and seek vacation of interim order, if any passed by the High Court.

2. In view of the above statement (made by the counsel for the opposite parties) learned counsel for the applicant does not want to press the contempt petition.
3. Taking in to account the circumstances of the case, we are of the opinion that the contempt, if any, committed by opposite parties be ignored at this stage. Show cause notice issued to the opposite parties stand discharged. Contempt Petition stand disposed of and consigned to record.
4. No costs.



MEMBER- A.



MEMBER- J.

/Anand/