

5

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

**Civil Contempt Application No.06 of 2007
In
Original Application No. 889 of 2006**

Tuesday this the 30th _____ day of October 2007

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

Sharwan Kumar S/o Ram Iqbal r/o Railway Colony, Golarbhoj,
District Udham Singh Nagar, presently working as Sr. Track Man
under Senior Section Engineer/P.W. Lal Kuan (Uttaranchal).

Applicant

By Advocate Sri A.D. Singh

Versus

1. Shri A.K. Mittal, Divisional Railway Manager, N.E. Railway,
Izatnagar, Bareilly (U.P.)
2. Sri Sukhveer Singh, General Manager Head Quarter, N.E.
Railway, Gorakhpur U.P.

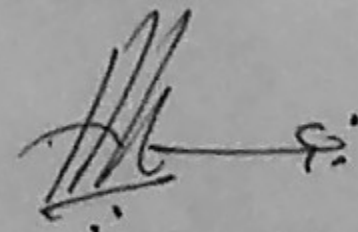
Contemnors/Respondents

By Advocate Sri Prashant Mathur

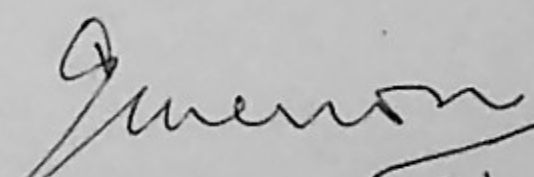
ORDER

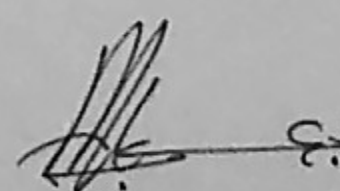
By Ashok S. Karamadi, Member (J)

This contempt application is filed by the applicant, alleging that the respondents have committed contempt as they have not complied the Order of this Tribunal dated 29.08.2006. By the said order, the respondent No.2 was directed to dispose of the representation of the applicant dated 17.11.2005 (Annexure A-7 in the O.A.) by passing a speaking order in accordance with the relevant rules/orders within a period of 3 months. The grievance of the applicant is that the respondents have not passed the Order, therefore, this Contempt Application is being filed. On notice, the respondents have filed the counter affidavit, stating that they have obeyed the Order of this Hon'ble Court and pass the necessary orders on 22.01.2007 and subsequently the same



was communicated to the applicant on 29.01.2007 and, as such, prayed for dismissal of the Contempt Application. This fact is also admitted by the applicant's counsel that the respondents have passed the Order on 22.01.2007, which was communicated to the applicant on 29.01.2007, on the direction of this Tribunal but they have not paid any amount to the applicant till today, therefore, he requests that the case may be adjourned or the respondents be directed to make the payment. This contention of the applicant's counsel is not acceptable having regard to the fact that the respondents have passed the Order on 22.01.2007 and the Order of this Tribunal giving direction to the respondents is one to consider the representation of the applicant dated 17.11.2007 in accordance with law and the relevant rules/orders. Since the respondents have taken steps and pass the appropriate orders based on the relevant rules and orders, as stated in the counter affidavit and they are waiting for sanction of the Railway Board for making payment to the applicant, we do not find any justifiable ground to continue the contempt proceedings. Accordingly, contempt proceedings against the respondents are dropped and notices issued to them are discharged. However, the applicant will be at liberty to challenge the Order if the same is not favourable to him before the appropriate forum in accordance with law.


Member (A)


Member (J)

/M.M./