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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

CIVIL MISC. CONTEMPT PETITION NO.101 OF 2007

IN

ORIGINAL APPLICATION NO.143 OF 2007

ALLAHABAD, THIS THE 29TH DAY OF FEBRUARY, 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J
HON'BLE MR. SHAILENDRA PANDEY, MEMBER-A

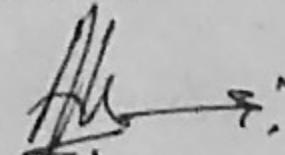
1. Surya Bhan Singh son of Sheo Kumar Singh, R/o 131 E. Loco Colony, South North Central Railway, Kanpur, working under Senior Section Engineer, North Central Railway, Head Quarter, Kanpur.
2. Sri Ram Son of Sri Agnu, working in North Central Railway, Headquarter, Kanpur.
3. Ganga Deen son of Sri Bihari Lal, working under North Central Railway, Headquarter, Kanpur.
4. Ramu Prasad Son of Sri Ayodhya Prasad, working under North Central Railway, Headquarter, Kanpur.
5. Ram Ashre Son of Ram Sewak, working under North Central Railway, Headquarter, Kanpur.
6. Chandra Pal Son of Sri Raghu Ran, working under North Central Railway, Headquarter, Kanpur.
7. Ram Singh Son of Sri Jagat Pal, working under North Central Railway, Headquarter, Kanpur.
8. Satya Deo Son of Sri Rajpati, working under North Central Railway, Headquarter, Kanpur.
9. Ram Kumar Tiwari Son of Sri Ram Swaroop Tiwari, working under North Central Railway, Headquarter, Kanpur.
10. Sadik Ali Son of Sri Ashik Ali, working under North Central Railway, Headquarter, Kanpur.
11. Ram Lakhan Son of Sri Ram Lal, working under North Central Railway, Headquarter,

AA

(8)

Kanpur.

12. Chhedi Lal Son of Sri Ishwar Deen, working under North Central Railway, Headquarter, Kanpur.
13. Puttan Lal Son of Sri Binda Deen, working under North Central Railway, Headquarter, Kanpur.
14. Sushil Kumar Son of Sri Kanahi Lal, working under North Central Railway, Headquarter, Kanpur.
15. Kaloo Son of Sri Bhaiya Deen, working under North Central Railway, Headquarter, Kanpur.
16. Mohd. Ahsan Son of Sri Kaloo, working under North Central Railway, Headquarter, Kanpur.
17. Desh Raj Son of Sri Ram Narayan, working under North Central Railway, Headquarter, Kanpur.
18. Ram Nath Son of Sri Raghu Raj, working under North Central Railway, Headquarter, Kanpur.
19. Moti Lal Son of Sri Sati Deen, working under North Central Railway, Headquarter, Kanpur.
20. Laxmi Narayan son of Sri Bhadai, working under North Central Railway, Headquarter, Kanpur.
21. Mohd. Salim Son of Sri Mohabat Ali, working under North Central Railway, Headquarter, Kanpur.
22. Mewa Lal Son of Sri Kalpnath, working under North Central Railway, Headquarter, Kanpur.
23. Duh Nath Son of Sri Thakur Deen, working under North Central Railway, Headquarter, Kanpur.
24. Mahadeo Son of Sri Ayodhya Prasad, working under North Central Railway, Headquarter, Kanpur.
25. Ram Sajeevan son of Sukhdeo, working under North Central Railway, Headquarter, Kanpur.
26. Sheo Ram Son of Sri Het Lal, working under North Central Railway, Headquarter,



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Kanpur.

27. Dal Chand son of Sri Jiya Lal, working under North Central Railway, Headquarter, Kanpur.
28. Gulab Son of Sri Jagannath, working under North Central Railway, Headquarter, Kanpur.
29. Sher Singh Son of Sri Babu Singh, working under North Central Railway Headquarter, Kanpur.
30. Gorelal, son of Sri Ram Suhawal, working under North Central Railway, Headquarter, Kanpur.
31. Ravindra Kumar Srivastava, son of Sri Deen Dayal Srivastava, working under North Central Railway, Headquarter, Kanpur.
32. Ram Shankar son of Nanda Prasad, working under North Central Railway, Headquarter, Kanpur.

. Applicants

By Advocate : Shri A. D. Singh

Versus

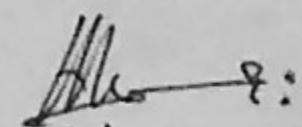
Sri Deepak Dave,
 Divisional Railway Manager,
 North Central Railway,
 Allahabad.

. Contemnor/Respondent

By Advocate : Shri P. Mathur

O R D E RHON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Learned counsel for the applicant seeks time to file the rejoinder affidavit to the counter affidavit, which was filed on 19.11.2007. As on today the applicant's counsel has not filed any rejoinder affidavit or supplementary affidavit contravening the contention of the counter affidavit which he has



received earlier, but today he seeks time for filing the same and to ascertain with regard to the orders passed by the respondents. The said request of the learned counsel for the applicant cannot be sustained having regard to the fact that the learned counsel for the respondents has served the counter affidavit on 19.11.2007 to the applicants and thereafter as on today he is unable to make his submission, but on the contrary he seeks time. While deciding the contempt proceedings we should be slow in exercising this power at the instance of any of the parties concerned. It is necessary to ~~should be looked~~ into the matter and the proper course for the ends of justice and not at the instance of the parties concerned; having regard to the fact we are not inclined to grant any time and accordingly his request is rejected.

2. On perusal of the pleadings this contempt petition is filed against the order dated 13.02.2007. By the said order the respondents are directed to consider the representation of the applicant's dated 21.02.2006 in accordance with law and the rules there under. As the respondents have failed to pass any orders in compliance of the said order, this contempt application was filed.

3. On notice the respondents have filed the counter affidavit contending that even though there is a delay in filing the counter affidavit the same may be condoned and the counter affidavit be taken on record.

H.C. 9.

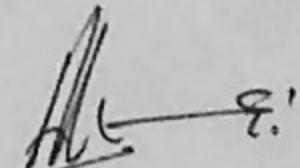
(11)

Having regard to the facts and circumstances of the case, and further it is stated that the respondents have passed the order on 12.10.2007. A copy of the same is produced as Annexure-1 to the counter affidavit and, therefore, it is prayed that having regard to the fact that the respondents have taken into consideration of the impugned order passed by this Tribunal, and there is no violation of the order, and they have passed the order on the representation submitted by the applicant, in that view of the matter seeks for dismissal of the contempt petition.

4. We thought it just and proper to look into the order passed which is impugned in the contempt petition; having perused ~~of~~ the same we are of the opinion that, only the direction was issued to the respondents to consider the representation of the applicant, as the respondents have passed the order dated 12.10.2007.

5. We do not find any justifiable grounds and any necessity to continue these contempt proceedings; accordingly the contempt proceedings are dropped. Notices issued are discharged.

6. After the order is passed the learned counsel for the applicant submits that he may be given liberty to agitate his grievances if any against the order dated 12.10.2007 passed by the respondents. In view of his

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(12)

submission the liberty is given to the applicants to pursue their remedies in accordance with law.


Member-A
Member-J

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