

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

CIVIL CONTEMPT APPLICATION NO. 121 OF 2007

IN

ORIGINAL APPLICATION NO. 1497 OF 2003

ALLAHABAD THIS THE 09TH DAY OF JULY 2008.

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. K.S. Menon, Member (A)

Rajesh Kumar Ray S/o late S.K. Ray R/o Subhas Nagar, Mughalsarai,
District Chandauli.

.....Applicant

(By Advocate: Shri S.K. Dey/Shri S.K. Mishra)

Versus.

Shri H.K. Kala, D.R.M E.C. Rail, Mughalsarai, District Chandauli.

.....Respondents

(By Advocate: Shri K.P. Singh)

ORDER

By Mr. A.K. Gaur, Member (J)

List has been revised, none for the applicant. Shri K.P. Singh,
learned counsel for the respondents.

2. It is seen from the record that vide order dated 29.8.2006, this Tribunal directed the respondents to consider the case of the applicant for compassionate appointment and if the applicant fulfils the norms and conditions attached to the compassionate appointment, he shall be offered a post suitable to his qualification, subject to existence of vacancy under the compassionate appointment quota. Learned counsel for the applicant is not present. It is settled principle of law that contempt is a matter between the Court and contemnor.

3. We have perused the record and found that in the strict compliance of the direction of this Tribunal, the case of the applicant has been considered by the Competent Authority and in paragraph No. 5 of the counter reply, it is clearly and specifically mentioned that as per direction of the Tribunal, the matter was put up before the Competent Authority

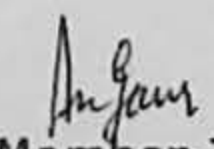
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and Competent Authority forwarded the matter to Dy. General Manager (Law), E.C. Railway, Patna for legal opinion and after obtaining the legal opinion, the matter is referred to the General Manager, E.C. Railway, Hazipur for consideration of the case of the applicant. The Competent Authority i.e. D.R.M, E.C. Railway has considered the matter in the light of opinion extended by Dy. General Manager (P), E.C. Railway, Hajipur and passed the order in compliance to the order passed by this Hon'ble Court dated 29.08.2006.

4. Learned counsel for the respondents has fairly submitted that the respondents have already considered the case of the applicant for compassionate appointment in its true perspective and spirit but he is unable to show that as to what final order has been passed by the Competent Authority. Learned counsel for the respondents also submitted that Hon'ble Apex Court has clearly held that if there is a direction for consideration by a Court or Tribunal and if Competent Authority considers the case then there is no question for willful disobedience of the direction.

5. Having heard Shri K.P. Singh, learned counsel for the respondents, we are satisfied that the respondents have not committed any willful disobedience of the order and direction of the Tribunal. However, in the interest of justice we direct the respondents to send a copy of the order passed in the matter to the applicant, if not sent already, by registered post. We find no merit in this case. Accordingly, the Contempt Application is dismissed. Notices are discharged.


Member-A


Member-J

Manish/-