

(11)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

CIVIL CONTEMPT APPLICATION NO. 123/07

In

ORIGINAL APPLICATION NO. 1140 of 2005.

Allahabad, this the 22nd day of August, 2008

Present :

Hon'ble Mr. Justice A.K. Yog, Member-J

Hon'ble Mr. K.S. Menon, Member-A

1. Laliteshwar Prasad Singh, aged about 52 years, son of late Ram Jap Prasad Singh, Resident of 1205-C, European Colony, E.C. Railway, Mughalsarai, District Chandauli.

2. Abdul Gaffar Khan Srdh, aged about 51 years, son of Sri Gulam Mohd. Khan, Resident of 886, European Colony, E.C. Railway, Mughalsarai, District Chandauli.

3. Ramashish Prasad, aged about 52 years, son of late Bishram Mishri, Resident of 938, A.B Shastri Colony, E.C. Railway, Mughalsarai, District Chandauli.

4. Janardan Prasad Singh, aged about 50 years, son of Shri Thakur Prasad Singh, Resident of Q. NO. 873-A.B Shastri Colony, E.C. Railway, Mughalsarai, District Chandauli, All the applicants are working as Senior Section Engineer of TRS/EC/Rly./MGS/Distt. Chandauli.

.....Applicants

By Advocate: Shri S.K. Mishra

Versus

1. Shri Girish Bhatnagar, The General Manager, East Central Railway, Hazipur Bihar.

2. Shri Arvind Kumar, The Chief Personnel Officer, East Central Railway, Hazipur, Bihar.

3. Shri Shiv Pratap Singh Yadav, The Senior Divisional Electrical Engineer (TRS) East Central Railway, Mughalsarai, Distt. Chandauli.

.....Respondents

By Advocate: Shri K.P. Singh



O R D E R

Delivered by: Justice A.K. Yog, Member-J

Heard Shri S.K. Mishra, Advocate, learned counsel for the applicant and Shri K.P. Singh, Advocate, learned counsel for the respondents.

2. The grievance of the applicant is that the final order of the Tribunal dated 29.11.2006 in O.A. NO,1140 of 2005, Laliteshwar Prasad Singh and others Vs. Union of India and Ors. has not been complied with, within the period stipulated in the said order. According to the applicant, certified copy of the aforesaid order was served upon the respondents on 4.4.2007. Stipulated period was to be expired on 4.7.2007. Before expiry of said period, Review Petition was filed in the Registry on 8.6.2007. Registry reported the note that the said Review Petition was defective. Defects were removed on 1.5.2008. This fact is being noted after registration of the aforesaid review petition (numbered as 21/08).

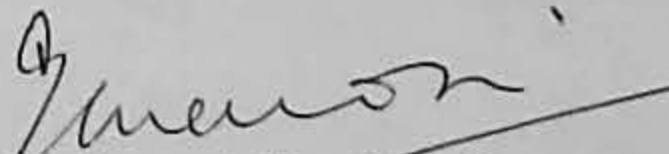
3. Learned counsel for the applicant argued that review petition was defective and respondents deliberately did not remove the defects unless compelled under the orders passed by the Tribunal in contempt jurisdiction. In support of his argument, learned counsel for the applicant submits that filing of the review application has not been disclosed in the counter reply. We accept the submission made on behalf of the applicant but we



would like to know that, as born out from the record of the Review Petition, this Review Petition remain pending for the other reason including unavailability of the Bench. Be that as it may be, we do not propose to adjudicate of this aspect as we find the same unnecessary.

4. It is an admitted fact that Review Petition has been filed, which has been duly registered and pending as on date. In view of the above, we are of the opinion that Review Petition be decided first. At this stage, learned counsel for the applicant submitted that contempt be kept pending till the decision of the ^{of the Review Petition, as} ~~O.J.~~ We find no justification for the said submission. Applicants shall free to file the contempt petition, if so advised after the decision of the Review Petition. Accordingly, contempt petition is dismissed, we direct the Registry to list the Review Petition at an early date.

5. No order as to costs.


Member (A)

** Contempt vide our dated 4/9/08.
date allowing H.A. No. 1881/08.
A.K. J. 4/9/08.
G. Venkatesh
4/9/08.
A.K. J.*
Member (J)

Manish/-