

(11)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHBAD BENCH  
ALLAHABAD

Dated: this the 05<sup>th</sup> day of NOVEMBER 2008

Contempt Petition No. 133 of 2007

IN

Original Application No. 467 of 2007

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

Hon'ble Mrs. Manjulika Gautam, Member (A)

ALL India Stations Masters Associations through  
Santosh Kumar Branch President Kashganj Mathura,  
Presently posted as Assistant Station Master at  
Sikandra Rao Railway Station, Distt: Hathras (UP).

...Applicant

By Adv : Shri V. Kumar

Versus

Shri Sukhveer Singh, The General Manager, North  
Eastern Railway, Gorakhpur.

...Respondent.

By Adv : Sri P.N. Rai

O R D E R

By Hon'ble Mr. A.K. Gaur, JM

We have heard Shri V. Kumar learned counsel for  
the applicant and Sri P.N. Rai, learned counsel for  
the respondent No. 2.

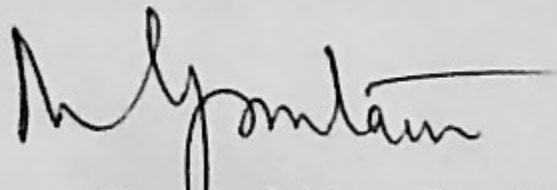
2. It is seen from record that vide order dated  
11.05.2007 this Tribunal directed the respondents to  
consider and decide the pending representation of the  
applicant by a reasoned and speaking order. The  
respondents have passed the reasoned and speaking

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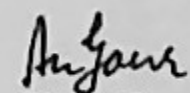
order dated 07.11.2007 copy of which has been annexed as Annexure CA-1 to the counter affidavit.

3. In view of *AIR 1996 SC 2758 : V. Kanak Rajan's case* and *2000 (10) SCC 285 : Lalit Mathur's case* if a direction is given to consider and dispose of the representation of the applicant and the matter has been considered and appropriate speaking order have been passed, no cause of action again arises for contempt. The legality and validity of the order has not to be seen by the Court sitting in the contempt.

4. Learned counsel for the applicant submitted that the affidavit has been filed by some other person and not by the contemnor. We have seen the order passed by the authority concerned and we are satisfied that the respondents have not committed any willful disobedience of the order of this Tribunal. The Contempt Application is accordingly dismissed. Notice issued to the respondent is discharged. If the applicant is still aggrieved he may file fresh OA.



(Mrs. Manjulika Gautam)  
Member (A)



(A.K. Gaur)  
Member (J)

/pc/