

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

M.A./O.A./T.A.No. _____ 198

R A Vyas

Applicant(s)

Versus

U.M. Shastri Adv. for the
petitioners.

General Manager Western Railway

Respondent(s)

N.S. Shende Adv. for the
respondents.

*OB
Honble VC
Notice issued*

No.	Date	Orders
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		<i>col 5/10/88</i>
		<i>Pl. btr 1/6. det for</i>
		<i>Pl. issue notice to do</i>
		<i>or he is applicant</i>
		<i>adw. only</i>

5/10/88 Mr. N.S. Shende requests for some time.
Mr. S. Sheth for Mr. U.M. Shastri has no
objection. Adjourned to 26/10/88 for orders

*P80magay
5/10
July 5/10*

(S. J. BHATT)
Deputy Registrar
Central Administrative Tribunal,
Ahmedabad Bench

26/10 Adj to 5/10

Disposed 4/11

*DZ (Duplicate set of Contempr
received on 31/10/88. Filed
by shri V.M. Shastri, Adv.)*

5/12/88 P/O

Mr. N.S. Shende wants time to which
Mr. U.M. Shastri has no objection. The
case be posted on 2/1/89 for order.

*collee
H. V. Red*
Deputy Registrar (J)
Central Administrative Tribunal,
Ahmedabad Bench.

2/1/89 P/O

Sr. No.	Date	Order
	2/1/89	<p>Mr. U.M. Shastri the learned Counsel for the petitioner requests for time, with the consent of Mr. N.S. Shinde the learned Counsel for the respondents, the case be posted on 31/1/89 for orders.</p> <p><i>Post</i> 21/1/89</p> <p><i>su</i> A. V. Kazi Deputy Registrar (I) Central Administrative Tribunal, Ahmedabad Bench.</p>
	31/1	Adj to Fls
	12/2/89	<p><i>Fls</i> RPA received from resp. No 2. RPA received from resp. No. 1, which is kept with DA/5/89.</p>
	11/3/89	<p>Mr. P. H. Pathak for Mr. U.M. Shastri requests time allowed for Mr. N.S. Shinde present. The case be posted on 29/3/89 for order.</p> <p><i>su</i> A. V. Kazi Deputy Registrar (I) Central Administrative Tribunal, Ahmedabad Bench.</p>
	29/3	Adj to Fls
	29/3/89	<p>Mr. N.S. Shinde requests for time. Mr. U.M. Shastri has no objection. Allowed. Adjourned to 2/5/89 for her Orders.</p> <p><i>Psm</i> 29/3</p>
	2/5	Adj to Fls
	21.6.89	<p><i>Fls</i> (Dt. change from 2/5/89 to 21-6-89 due to Hon'ble VC is not available)</p> <p><i>su</i> A. V. Kazi Deputy Registrar (I) Central Administrative Tribunal, Ahmedabad Bench.</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

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RA/M.A/O.A./ T.A./ _____ 198

Applicant (s).

Adv. for the
Petitioner (s).

Versus

Respondent (s).

Adv. for the
Respondent (s).

SR. NO.	DATE.	ORDERS,
	21/6/89	<p>Mr. U M Shastri requests for time. Mr. N. S. Shende has no objection Allowed. Adjourned to 31/7/89 for orders.</p> <p><i>Seen</i> A. V. Red Deputy Registrar (J) Central Administrative Tribunal, Ahmedabad Bench.</p> <p><i>31/7</i> <i>Ad 15 To</i></p>
	27/7/89	<p>submitted CAT/5.</p> <p>we may not put up this CA untill further order as per oral instructions from Hon'ble Jc.</p> <p><i>31/7/89</i> <i>So. 5/25/89</i> <i>27/7</i></p>
	2/4/90	<p>PH</p>

SR NO.	DATE.	ORDERS.
<p data-bbox="225 2333 304 2372">GAC/</p>		

Contempt Application No.44/88

in

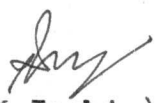
O.A./79/88

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Judicial Member

26/10/1988

No duplicate copy of the contempt application has been furnished. Registry should have obtained a copy after giving notice to the petitioner and thereafter placed on the Board.


(P H Trivedi)
Vice Chairman


(P M Joshi)
Judicial Member

*Mogera

Cont. A. 44/88

in

O.A./79/88

AQ

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Judicial Member

31/01/1989

Neither applicant nor his advocate present.
Mr. N.S. Shevde learned advocate for the respondent
wants Registry to supply a copy of the contempt
application or issue notice on the respondents. Registry
to do accordingly and the case be posted thereafter
for orders.

Phirri

(P H Trivedi)
Vice Chairman

Joshi

(P M Joshi)
Judicial Member

*Mogera

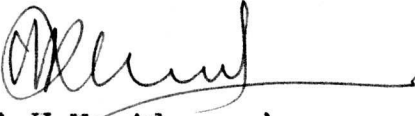
Cont. Appln. No. 44/88 in

O.A./79/88

Coram : Hon'ble Mr.P.H.Trivedi : Vice Chairman
Hon'ble Mr.A.V.Haridasan : Judicial Member

02/04/1990

Heard Mr.U.M.Shastri and Mr.N.S.Shevde the learned advocates for the applicant and the respondents. No contempt is found in the case. The respondents have in terms complied with the orders. Notice discharged.


(A.V.Haridasan)
Judicial Member


(P.H.Trivedi)
Vice Chairman

AIT

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

Submitted.

C.A.T./Judicial Section.

Original Petition No. : OA 79 of 88.

Miscellaneous Petition No. 44 of 88.

Shri A. Vyas Petitioner

Versus

General Manager

This application has been submitted to the Tribunal by Shri U. M. Shastri under Section 19 of the Administrative Tribunals Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunals Act, 1985 and Central Administrative Tribunal (Procedure) Rules, 1985.

The application has been found in order and may be given to concerned for fixation of date.

The application is not been found in order for the same reasons indicated in the check list. The applicant may be advised to rectify the same within 21 days/Draft letter is placed below for signature.

C. application is filed by Mr. U. M. Shastri, adv. for applicant, arising out of the order dt. 9/3/88 passed by the Hon'ble Tribunal in case no OA 79/88.

gr approve we may fix the date & issue notice to applicant - U
adv. only
copy to be served to learned counsel & date of hearing also to be communicated to him.

Shastri
Adv. for
U. M. Shastri
9/3/88
adv. only
copy to be
served to
learned counsel
& date of
hearing also to be
communicated to him.

adv. registered

...

Miscellaneous Application No. of 1988.
in
Original Application No. 79 of 1988.

V/S:

- The applicant abovenamed :

Most Respectfully Sheweth :

That the applicant was served with a charge-sheet dated 12-10-1983 to the effect that the applicant while working as Fireman 'C' remained absent without authority. That the inquiry was finalised on 19-4-85. It was observed therein the relevant documents were not available but at the end of the inquiry, the inquiring authority found the applicant guilty of the charges levelled against him, and relying upon the said findings of the inquiring authority dated 22-4-1985 the Disciplinary Authority by its order dated 8-1-1988 the applicant was reduced to the post of Cleaner in the scale of Rs. 750/- for a period of three years postponing future increments. It was further observed that an appeal against the said order of imposition of penalty would lie to the Divisional Railway Manager, Baroda. Hereto annexed and marked Exhibit-A is the copy of the report of the inquiring authority dated 22-4-1985 and the order of penalty dated 8-1-1988.

Exh-A

2. That the applicant feeling aggrieved by the same and thinking that the concerned authority after a prolonged period of years has tried to finalise the inquiry, it is illegal and malafidely the penalty has been imposed upon him straightway preferred

Original application to this Hon'ble Tribunal against the same. That the Hon'ble Tribunal, by its order dated 9-3-1988 directed the applicant to file an appeal and was also further directed

to dispose of the administration, the appeal within three months. It was also ordered that the applicant should not be reverted, if not already reverted until after one month of the disposal of the appeal. Hereto annexed and marked Exhibit-A is the copy of the order dated 9-3-1988 passed by this Hon'ble Tribunal.

3. That as per the order of this Hon'ble Tribunal and as per the directions contained in the order of imposition of penalty to the effect that the appeal has been preferred to the Divisional Railway Manager, the applicant preferred appeal to the Divisional Railway Manager. That the said appeal has not yet been decided by the Department though directed to decide the same within three months of the filing of the appeal. Moreover by an order dated 11-5-1988 though the administration was restrained from executing the order of penalty, executed the order of penalty by directing the applicant to join duty in the lower grade. Hereto annexed and marked Exhibit-B is the copy of the order dated 11-5-1988.

4. The applicant says that though the appeal has already been filed and though the appeal was to be filed to the DRM Baroda as contained in their order of penalty itself, the administration on one ground or the other, is not disposing of the appeal as directed by this Hon'ble Tribunal and in utter disregard to the orders passed have implemented the order of penalty without disposing of the appeal which amounts to utter disrespect to the

order passed by this Hon'ble Tribunal. The attitude of the administration opponent is such that the same is likely to lower down the prestige of this Hon'ble Tribunal in the eye of general public and as such, it is necessary that the opponent requires to be punished for committing the contempt of this Hon'ble Tribunal.

5. Under the circumstances of the case, the applicant prays :-

- (a) That the opponent may be punished for committing the contempt of this Hon'ble Tribunal by not following the direction given by this Hon'ble Tribunal in the above referred Transfer Application No. 79 of 1988.
- (b) Alternatively a direction may be given to the needful immediately in the interest of justice by passing mandatory orders.

Ahmedabad,
Date: 25-8-1988.

Ramprasad
Advocate for the Applicant.

I, Rajnikant A. Vyas, the applicant abovenamed, do hereby solemnly affirm and state that what is stated above is true to the best of my knowledge information and belief and believe the same to be true.

Solemnly affirmed at Ahmedabad.

Date : 25-8-1988

Filed by Mr. *V. M. S. K. S.*
Learned Advocate for Petitioners
With second set of 2 copies
copies copy ☒ / not send to other side

Dr. 1/9/88 By Registrar C.A.T.O.
A. L. B. B. B.

Tracy
am

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Findings

Shri Rajnikant A. Vyas, F/man 'C' working under LF CFA was served with SF3 No. E/308/5/5/L/519 dated 12-10-1983 by Sr. DME (L) BRC that the charges are you have remained absent without authority for the period (1) from 8-6-82 and 5-10-82 to till he reported for duty and produced following Medical Certificates issued by ADMO BRCY for the periods shown against each rejecting the periods as per SR 2/6, 2/7 and 2/12.

- 1) Duty Certificate No. DC/471 for the period from 8-6-82 to 20-9-82.
- 2) -do- DC/500263568 ,, 21-9-82 to 5-10-82
- 3) -do- 462668 ,, 8-10-82 to 15-4-83
- 4) -do- DC/237/234706 ,, 16-4-83 to till reported for duty.

The inquired was fixed from time to time and finally complied on 19-4-85.

I have gone through the charges levelled against the ~~above~~ named and I have inquired into the case in presence of Shri V.M. Deshmukh, the defence counsellor of the employees and it reveals the charges framed against the employee are explained as under :-

It is mentioned in SF 5 No. E/308/5/3/L/319 dated 12-10-83 that the ~~petitioner~~ particular period is treated as unauthorised absence, but on inquiry is revealed that the charges are framed on the strength of duty certificate No. (1) DC 471 (2) DC 500/263568 (3) 293668 (4) DC 247/234706 issued by ADMO BRCY as well as ADMO GDA treating the period to be dealt with under SR 2/6, 2/7 and 2/12.

The relevant documents are not available in BRC/GDA Shed. However the duplicate copies of the duty certificates of the abovesaid period produced before the delinquent and his defence councillor of this case as per their demand, after obtaining from ADMO BRCY and ADMO GDA (as per Q. to Ans. No.4).

History of Case

The first period of his sick period was from 8-6-82 to 29-9-82 and second braked period starts from 21-9-82 to 5-10-82. That means on 20-9-82 he was well when he took certificate, but again reported sick on 21-9-82 at that time at least he could have followed medical rules as it bring very next day. Then from 6-10-82 to 8-10-82 he was under inquiry as per muster.

Again it was under sick list from 9-10-82 to 14-4-83. After taking fit certificate he did not attend his duties on 15-4-83 but again under sick list from 16-4-83 to 26-7-83. As his personal file was not available it was assumed that he might have been sent to Special Medical Examination and then he might have been directed to see Sr. DME (E) BRC. However, he was reported duty on 1-8-85.

Conclusion :

Shri Rajnikant A. Vyas is found guilty for the charges levelled against him.

Reasons :-

My reasons for doing so are as under :-

1) As stated by Rajnikant A. Vyas, on Q. Max to Ans. No. 4) on absence of relevant documents he was asked for producing evidence in defence to the charges leveled against him.

■ In this connection he has stated that since his marriage in May 1981, he had to look after ~~the~~ his newly married wife. During that period he was transferred out of GDA which resulted ~~dist~~ in disturbance of his mind and he stated that he could not leave alone his wife, without his presence.

2) The following duplicate copies of duty certificates are produced before him and his defence counsellor.

1. Duty certificate No. DC 471 for the period from 8-6-82 to 20-9-82 is rejected by ADMO BRCY vide SR 2/6. 2/7 and Sr. 2/12.
2. Duty certificate No. DC 500/263568 for the period from 21-9-82 to 3-10-82 is rejected by ADMO BRCY vide Sr 2/6 and 2/7.
3. Duty Certificate No. 492668 for the period from 9-10-82 to 15-4-83 is rejected by ADMO GDA vide SR 2/12.
4. Duty certificate No. DC/247/234 706 for the period from 16-4-83 to 26-7-83 is rejected by the ADMO BRCY vide SR 2/7.

*Truly
and*

After producing the duplicate copies of duty certificates he accepts Q. to Ans. 6) that he had not informed ti Rly. Authorities for reporting sick under private doctor and not observed the medical rules, hence all duty certificates are rejected Bise Sr 2/6, SR 2/7 and SR 2/12 for the period from 9-6-82 to 28-7/83 breaked at four intervals.

According to muster he has marked absent as he had not informed to LF BRC or medical authority BRCY.

The following documents and record are taken into consideration.

1. Statement No.1 of Shri Rajnikant A. Vyas - Delinq 7ent.
2. Statement No.2 of Shri William S. - Administrative Witness, Sr. Clerk, BRC).
3. Statement No.3 of Shri J.A. Soni - Sr. Clerk GDA.
4. Muster of the period reported.
5. Leave record of Shri Rajnikant A. Vyas.
6. Duplicate copies of duty certificates (Four) issued by ADMO BRCY and ADMO GDA/.

(The duty certificates are attached herewith in the DAR FILE).

He has not paid for above all the period.

Shri Rajnikant A. Vyas, was allowed to engage the defence counsellor and he engaged the defence ~~XXXXXXXXXX~~ counsellor Shri V.Y. Deshmukh, CC KKF. Shri Rajnikant A Vyas was given all the reasonable facilities at the time of inquiry (Q. to Ans. No. 8).

For not observing medical rules he stated that he was bed ridden and his wife was illiterate.

Hence the findings are drawn.

TRUE COPY

Sd/-
Sr. DME BRC.

Sd/-
EO and JFI PRIN
22-4-85.

Truamy

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Notice of imposition of penalty (N.I.P.) under 6 of
the Servants (Discipline and Appeal) Rules, 1968.

...

No.E/308/5/3/L/319

Divisional Office,
BRC, Dt. 8-1-88

To

Shri Rajnikant A. Vyas,
Fireman 'C',
GDA.

Through LF GDA

1. You are hereby informed that the following penalty
has been awarded to you :-

Reduction with immediate effect to the lower
post of Cleaner in Scale Rs. 750-940 (RP) on Rs.750/-
p.m. for a period of three years postponing your future
increments. This has reference to SF 5 of even number
dated 12-10-83 and the findings dated 22-4-83 of the
EQ.

Speaking Order :-

"Since the NIP has not been served as
yet the case has been examined afresh.
I have carefully considered the findin-
gs of the E.O. and the employee has
been correctly held responsible for
unauthorised absence. The findings of
E.O. are accepted."

Note :- The NIP referred to in the Special Orders is No.
E/308/5/3/L/318 dated 14-6-85 issued by Sr.DNE BRC.

Encl.- Copy of findings.

Designation: ADRM BRC.

Sd/-
Signature.

*Thru my
copy*

2. You are required to acknowledge receipt of this Notice on the form adjourned.

Copies to LF GDA

OSs of EM.

EPE. Settlement. GLA.

Instruction.

- (a) Under Rule 18 of the Railway Servants (Discipline and Appeal) Rules, 1968, an appeal

against these orders lies to DRM BRC provided :-

- (i) The appeal is preferred within forty five days of the date of receipt of this notice, and

- (ii) The appeal contains no dis-respectful or improper language.
- Trivedi*

CA/79/88

Shri R.A. Vyas,
Second Fireman,
at Godhra Railway Station,
Godhra.

...

Applicant.

V/s

1. The General Manager,
Western Railway,
Churchgate,
Bombay-20.

2. Divisional Mechanical Engineer,
Establishment,
Baroda Division,
Pratapnagar,
Baroda.

...

Respondents.

ORAL ORDER

Date: 9-³1988

Per : Hon'ble Mr. P.H. Trivedi : Vice Chairman.

Heard Mr. J.C. Sheth, for Mr. U.M. Shastri, learned advocate for the applicant and Mr. N.S. Shevde, learned advocate for the respondents. In this case the petitioner has not exhausted the remedy of appeal against the impugned order of reduction from Class-III to Class-IV dated 8-1-1988 but the learned advocate for the petitioner states that he has not received the order and has proceeded on leave. Learned advocate for the respondent Mr. N.S. Shevde wants time to file reply. We find in the circumstances of this case in which the impugned order has been passed considerably after the inquiry was started, the petitioner should be directed to file an appeal within 10 days of the date of this order. On his doing so, the respondents be directed to dispose of the appeal within three months thereafter. The petitioner should not be reverted if not ready reverted until after one month of

the disposal of the appeal with this observation, the case is disposed of.

Sd/-
(P.H. Trivedi)
Vice Chairman.

Sd/-
(P.M. Joshi)
Judicial Member.

/TRUE COPY/

Sd/-
11-3-88.
Section Officer,
Central Adm. Tribunal,
Ahmedabad Bench.

Trivedi

A-2 13

Godhra, dated 11th May 1988.

From:-

R.A.Vyas,
Fireman 'C',
Godhra.

To

1. F.S. Godhra.
2. DME (L)(E) BRC

Through proper channel

Sub: Promotion, reversion, transfer of class IV
Fireman 'C' scale Rs. 825-1200 (RP)

Ref:- Your No. G/4/F/M 'C' dated 11.5.1988 and
E/L/8355 dated 9.5.1988.

Respected Sir,

With reference to the above, I request the following
for sympathetic consideration.

I had obtained stay order against my reversion from
C.A.T., Ahmedabad and served to the administration too.

Even then I am wrongly being reverted vide your above
letters.

As such I shall be compelled to file suit for contempt
of the court against you both at your risk and cost for
which I shall not be blamed. This is quite clear case of
"contempt of court" and I shall have to approach the court
as the reversion is not executed before the court has
passed the stay order.

Anyhow, I am carrying out your illegal order quite
reluctantly only to save my leave and monetary loss of
wages.

Kindly note and advise me further in this case.

Thanking you,

Yours faithfully,

R.A. Vyas.
(R.A. Vyas.)
Fireman 'C' Godhra.

N.B.: I am relieved today after noon and avail my
joining time first so as to decide my case in
time before I resume on reversion.

*Truce
Army*

Before the Central Adm. Tribunal,
Ahmedabad Bench, at Ahmedabad.

Misc. Application No. of 1988
 in
Original Appln. No. 79 of 1988.

R.A. Vyas,
Second Fireman 'C',
Godhra Rly. Station,
Godhra. ... Applicant.

V/s

1. General Manager,
Western Railway,
Churchgate, Bombay-20
and another. ... Opponents.

Memo. of ~~Shri~~ Misc. Appln. for
Contempt.

(A. M. Shastri)
Advocate for the Applicant.

21/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

CONTEMPT APPLICATION NO.44 of 1988

IN

O.A.NO. 79 OF 1988

R A Vyas Applicant

V/s-

The General Manager & Another ... Opponents

REPLY ON BEHALF OF OPPONENTS

Opponents humbly beg to file reply to the contempt application as under:

1. Regarding para 1 of the application opponents rely on the original papers as and when necessary.

It is not disputed that by order dt.8.1.88

(Annexure A) the applicant was reduced with

immediate effect to the lower post of cleaner

scale Rs.750-940(RP) on Rs.750 per month for a

period of 3 years postponing applicants future

increments. It is not disputed that it was mentioned

in the said order that appeal under rule 18 of

Discipline and Appeal rule 1968 would lie to

the Divisional Railway Manager Baroda. It is not

...2/-

Copy sent
HRS

HRS

: 2 :

disputed that findings of the Inquiry Officer were also supplied to the applicant with order of removal dt.8.1.88 .It is submitted that the applicant was issued major chargesheet (S.F.No.5) under No.E/308/5/3/319 dt.12.10.83 for violation of Medical Rules and remaining absent unauthorisedly.The applicant did not send his defence.Inquiry officer was nominated vide no.E/308/5/3/L/319 dt. 23.11.83. The inquiry officer in his report / finding dt.22.4.85 held the applicant guilty of charges for remaining absent unauthorisedly.It is stated that Sr.DME BARODA on consideration of findings imposed the penalty of removal from service vide NIP NO.E/308/5/3/L/319 dt.14.6 .85 after following the D&A Rules .It is stated that the applicant filed CS No.397/85 on 18.7.85 in the court of Civil Judge (SD)Godhra and obtained stay against penalty of removal from service and as such the notice of imposition of penalty could not be served on the applicant and was kept pending .The applicant further remained absent

...3/-

unauthorisedly from 10.2.86 to 11.2.87 .It is stated that the said suit was transferred to this Hon'ble Tribunal and registered as T.A.No. ~~807/86~~ 807/86. In 1987 the applicant withdrew the said suit/transferred application and requested for mercy.Applicant's case was put to additional Divisional Railway Manager,Baroda as the post of Sr.DME(L)BRC was down graded to DME(L). It is stated that the ADRM-BRC took a lenient view and imposed penalty of reduction with immediate effect to lower post of cleaner scale Rs.750-940(RP) on Rs.750 per month for a period of 3 years postponing his future increments instead of penalty of removal from service.

2. Contents of para 2 of the application are not fully true and are not admitted.It is not disputed that the applicant filed O.A.No. ~~888/87~~ 79/88 in this Hon'ble ~~Forum~~ Tribunal. which was decided by the Hon'ble Tribunal on 9.3.88 with ~~an~~ a direction to the petitioner to file an appeal within 30 days of the date of the order and on this doing

: 4:

so respondents were directed to dispose of the appeal within 3 months thereafter. It was also observed in the said order that the petitioner should not be reverted if not already reverted until after one month of the disposal of the appeal.

Opponents rely on the said order. It is stated that the aforesaid order of reversion dt. 8.1.88 was served on the applicant on 11.1.88 but he did not disclose this fact to the Hon'ble Tribunal. The applicant remained absent from 12.1.88 unauthorisedly and resumed at Baroda yard in May 1988 on reverted post.

3. Regarding para 3 it is submitted that the applicant filed appeal to Divisional Railway Manager, Baroda. As the order of punishment was passed by ADRM Baroda, the appeal lay to the Chief Operating Supdt., Church Gate. It is stated that in Notice of imposition of penalty the appellate authority was wrongly shown as DRM BRC instead of COPS CCG. The applicant for advised vide Divisional office letter No. E/308/5/3/L/319

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dt. 23.3.88, which was acknowledged by the applicant vide his letter dt.30.3.88 ,to prefer his appeal to COPS CCG but the applicant did not send the appeal addressed to COPS CCG.It is stated that however, the applicant's ~~submit~~ /was forwarded /appeal to COPS CCG vide Divisional office letter dt.6.10.88. It is stated that the COPS CCG vide his letter dt. 12.10.88 ordered that the employee should be asked to submit appeal addressed to COPS CCG.The said decision of COPS CCG was conveyed to the applicant vide letter dt.13.10.88 which is acknowledged by the applicant on 14.10.88 but till filing of the contempt application ,to be specific till 13.2.89, the applicant did not filed any appeal addressed to COPS CCG.It is denied that by order dt.11.5.88 though the administration was restrained from executing the order of penalty,executed the order of penalty by directing the applicant to joined duty in the lower grade as alleged.As stated herein- above the applicant was already served with the

order of punishment on 11.1.88 before the order was passed by the Hon'ble Tribunal on 9.3.88 but the said fact was not disclosed by the applicant.

4. Contents of para 4 of the application are not true and are not admitted. As stated hereinabove the applicant was asked to submit his appeal addressed to COPS CCG but he failed to file proper appeal as directed by the COPS CCG. It is denied that the respondents in utter disregard to the orders passed have implemented the order of penalty without disposing of the appeal which amounts to utter disrespect to the order passed by this Hon'ble Tribunal. It is denied that the attitude of the administration opponent is such that the same is likely to lower down the prestige of this Hon'ble Tribunal in the eye of general public and as such it is necessary that the opponent is required to be punished for committing contempt of this Hon'ble Tribunal.

It is submitted that the opponents have no intention whatsoever to disregard or disrespect

the orders passed by the Hon'ble. Tribunal. As stated hereinabove the applicant was asked to submit his appeal addressed to COPS CCG vide letter dt.

23.3.88 but applicant did not do so. It is stated that the applicant submitted ^{Appeal} dt. 13.2.89 addressed to COPS CCG against the order of punishment imposed by ADRM BRC by order dt. 8.1.88. It is submitted that the said appeal was considered by COPS CCG. The said appellate authority namely COPS CCG after going through the entire record of the case and after applying his mind to the entire facts and circumstances of the case has passed an order dt. 6.3.89 rejecting the appeal of the applicant and confirming the punishment imposed by the ADIM BRC. It is submitted that copy of said order dt. 6.3.89 passed by the COPS CCG has been sent to the applicant by letter dt. 8.3.89. Thus the direction of the Hon'ble Tribunal has been complied with by the opponents by deciding the appeal preferred by the applicant as per direction given

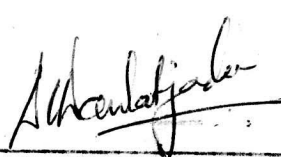
: 8 :

by the Hon'ble Tribunal. It is submitted that the delay in deciding the appeal was on account of the applicants not preferring appeal to the proper appellate authority.

In view of what is stated above the contempt application may be disposed of.

Baroda

Dt. 20.4.1989




Divisional Personnel Officer

Western Railway, Baroda.

I, D.C. Daulatjada, Divisional Personnel Officer, Western Railway, Baroda do hereby state that what is stated above is true to my knowledge and information received from the records of the case and I believe the same to be true.

Baroda

Dt. 20.4.1989

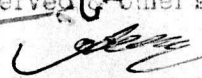


Divisional Personnel Officer

Western Railway, Baroda.

Reply
Reply/Rejoinder/written submission
filed by Mr. M. S. Sherde
learned advocate for petitioner/
Respondent with second set. —
Copy served/not served to other side

4/1/89


Dy. Registrar C.A.T. (I)
A'bad Bench