

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Contempt Petition No.82/2005

In

Original Application No.562/1996

This, the 10th day of September 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

HON'BLE DR. A.K. MISHRA, MEMBER (A)

Shri Behari Srivastava aged about 55 years, son of Sri Shyam Behari Srivastava, resident of House No.124, Ganga Prasad Road, Lucknow.

...Applicant.

By Advocate:- Shri Arvind Tilhari.

Versus.

Shi Amitabh Lai, Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

... Respondents.

By Advocate:- None.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

The applicant filed the C.C.P. under Section-17 of the Administrative Tribunal Act, 1985 stating that the respondent has not complied with the order of the Tribunal but by making false compliance report his earlier C.C.P.No.38/2005 was closed and as such, he filed the present C.C.P.

2. Heard both sides.
3. Admittedly, the applicant has filed earlier C.C.P.No.38/2005 and the same was finally disposed of vide order Dt. 30.8.2005, holding that the order had been complied with by recording the compliance report filed by the respondents.



4. When the earlier C.C.P.No.38/2005 was disposed of by recording the compliance report filed by the respondents, this petition, which is by way of second application of C.C.P. is not at all maintainable. Further, when the compliance report had already been recorded in the earlier C.C.P., it is not at all open to the applicant to re-agitate the same issue in a second C.C.P. alleging non-compliance of the order of the Tribunal. If, the respondents have filed false compliance report, it is open to the applicant to take action on such false representation or false document of the respondents. With this observation, the C.C.P. is dismissed as not maintainable.


(DR. A.K. MISHRA)
MEMBER (A)


(M. KANTHAIAH)
MEMBER (J)
10-9-08

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