

Central Administrative Tribunal Lucknow Bench Lucknow

CCP No. 72/2006 in O.A.257/2006

This, the 23rd day of December, 2008

Hon'ble Mr. M. Kanthaiah, Member (J)

Hon'ble Dr. A. K. Mishra, Member (A)

Zainul Abidin, aged about 40 years sonof Gulam Rashid, resident of 411-H, Road No. 6, Semra Colony, Gonda.

Applicant.

By Advocate Sri M.Singh

Versus

1. Sri Sukhbir Singh , Divisional Railway Manager (P), Sr. Divisional Personnel Officer, North Eastern Railway, Lucknow.
2. Sri Anil Kumar Dwivedi, Senior Divisional Mechanical Engineer, Diesel , N.E.Railway, Gonda,.
3. Sri Anand Kumar Khare, Assistant Personnel Officer-1, N.E. Railway, Camp at Gonda.

Respondents.

By Advocate Sri B.B.Tripathi for Sri M.K. Singh.

ORDER

By Hon'ble Mr. M.Kanthaiah, Member (J)

This contempt petition has been filed under Section 12 of the Contempt of Court Act to punish the respondents on the ground that they have willfully and deliberately flouted the order of the Tribunal dated 29.5.2006 passed by way of interim order.


2. Admittedly, while the applicant was working on the post of Painter Grade II, the first respondent i.e. DRM (P) after issuance of show cause notice and after calling reply from the applicant, has issued order dated 3.5.2006 (Ann. No.1) reverting the applicant on the post of Painter Grade II , against which the applicant has filed O.A. on 25.5.2006 and this Tribunal has passed orders on the application for interim relief on 29.5.2006 granting status quo as on today in respect of the applicant.

It is the contention of the applicant that respondents have disobeyed the orders of the

Tribunal dated 29.5.2006 and as such they are liable for punishment under Contempt of Court Act.

3. But it is the case of the respondents that the order dated 3.5.2006 was served upon the applicant on 11.5.2006 under his receipt and immediately he joined on the reverted post i.e. Painter Grade III without any protest and as such there is no contempt on the part of the respondents. In support of it, the respondents have filed copy of extract of attendance register. The applicant did not deny the same and further the attendance register for the month of May, 2006 also reveals the same. But it is the case of the applicant that interim order was passed on 29.5.2006 and on that date the pay scale of the applicant was not reduced by the respondents and they ought to have maintained status quo in respect to salary of the applicant. But by the date of passing of interim order dated 29.5.2006, the applicant was working as Painter Grade III in pursuance of the impugned order dated 3.5.2006, and in such circumstances by way of standing order dated 29.5.2006 the applicant will not get any benefit on the post of Grade II and thus nothing is there to say that the respondents have committed any disobedience of the orders of the Tribunal and as such there is no merit in this CCP and the same deserves for dismissal.

4. In the result, CCP is dismissed. Notices are discharged.


(Dr.A.K. Mishra)
Member (A)


(M. Kanthaiah)
Member (J)

22.12.08

HLS/-