

Central Administrative Tribunal, Lucknow Bench, Lucknow

CCP No. 108/2006 in O.A. No. 348 /2000

This the 3rd day of May, 2010

Hon'ble Mr. Justice Shiv Charan Sharma, Member (J)

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

Smt. Jayanti Deen aged about 52 years wife of late Sri R.N. Deen, resident of House NO. 352/145, Near Cotton Mill, Tal Katora Chauraha, P.O. Manak Nagar, Lucknow.

Applicant

By Advocate: Sri R.C. Singh

Versus

1. Sri M.K. Agrawal, Secretary, Ministry of Railways (Railway Board) New Delhi.
2. Sri B.N. Mathur, General Manager, Northern Railway, Baroda House, New Delhi.
3. Sri Madhuresh Kmar, Chief Engineer Bridges, Northern Railway, Baroda House, New Delhi.
4. Sri Radha Mohan Singh, Dy. Chief Engineer (Bridge Workshop), Northern Railway, Charbagh, Lucknow.

Respondents

By Advocate: Sri Praveen Kumar for Sri M.K. Singh

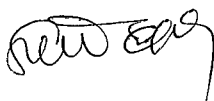
ORDER (ORAL)

Hon'ble Mr. Justice Shiv Charan Sharma, Member (J)

We have heard Sri R.C. Singh, Advocate counsel for the applicant and Sri Praveen Kumar brief holder of Sri M.K. Singh, counsel for respondents.


2. Learned counsel for applicant stated that there was a direction of the Tribunal in the judgment dated 8th December, 2005. Learned counsel for applicant stated that the order has not been complied with whereas learned counsel for respondents stated that the order had already been complied with. The applicant (deceased) was required to appear for the suitability test. The notice was duly served on him personally but he did not appear in the test and thereafter he died. What was due to him otherwise without appearing in the suitability test has already been given to him hence this contempt petition is liable to be dismissed.

3. We have perused the order of the Tribunal dated 8.12.2005 as well as subsequent developments as stated by the learned counsel for the respondents.



We have also perused the file of the concerned department in this concerned and it is a fact that a notice dated 2nd May 2007 was served to the applicant which was received by him on 2nd June, 2007. It was required in the notice that applicant shall appear in a suitability test on 13th June, 2007 at 10.00 AM and the notice was received by him on 2nd June 2007. In spite of service of notice, he failed to appear in the suitability test and that is why the parity was not given to him with Sri Asgar Ali and what is required for compliance has already been complied with.

4. In our opinion, this contempt petition is liable to be dismissed as rendered in-fructuous due to making compliance. Hence, CCP is dismissed as compliance has already been done.


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


(Shiv Charan Sharma)
Member (J)

HLS/-