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**Central Administrative Tribunal
Lucknow Bench Lucknow**

C.C.P.No.59/2007

In

Original Application No.481/2006

This, the 23rd day of December 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)
HON'BLE DR. A.K. MISHRA, MEMBER (A)

Pushpinder Khullar, aged about 35 years, s/o Late Shri T.R./ Khullar,
resident of-A-1606, Sector-I, LDA Colony, Alambagh, Lucknow.

...Applicant.

By Advocate:- Shri S.P. Lal.

Versus.

1. Shri Chahate Ram, Divisional Railway Manager, Northern Railway,
Lucknow.

... Respondents.

By Advocate:- Shri M.K. Singh.

ORDER

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

The applicant has filed this C.C.P. under Section 17 of Administrative Tribunal Act, 1985 read with Section 12 of Contempt of Court Act to punish the respondent on the ground that he willfully and deliberately did not comply with the direction of this Tribunal Dt. 18.10.2006.

2. The respondent has filed Compliance report, stating that in pursuance of the direction of the tribunal they have examined the claim of the applicant and passed order Dt. 27.12.2007 (Ann-C-1) stating that he cannot be promoted on the post of Heared TTE in the scale of Rs.5000-8000 and thus, have complied with the direction of the tribunal.

3. The applicant filed reply to the compliance report stating that they have not complied with the direction of the tribunal in holding fresh selection and also filed Rejoinder affidavit for summoning of the

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records i.e. (i) proceedings of selection board. (2). Record of service and (3) Confidential report of the applicant.

4. Heard both the sides.

5. The point for consideration is whether the applicant is entitled for the relief as prayed for.

6. The admitted facts of the case are that the applicant filed O.A.No.481/2006 claiming promotion on the post of Head T.T.E. in the scale of Rs. 5000-8000 and the same was disposed of on 18.10.2006 with a direction to the Respondent No.2 to consider and dispose of the representations of the applicant Dt. 30.11.2005, 21.12.2005, 24.12.2006 and 23.03.2006 (Ann-4,5,6 and 7) in accordance with rules/ order on the subject within 2 months from the date of supply of certified copy of this order. Thereafter, the applicant filed C.C.P. on the ground that the respondents have not complied with the direction of the tribunal.

7. From the compliance report filed by the respondents and also order Dt. 27.7.2007 (Ann-C-1), it is clear that the respondents have considered the claim for promotion on the post of Head T.T.E. But, it is the contention of the applicant that the respondents have not passed the orders as per rules and as such, he also sought production of record in respect of such selection for the promotion.

8. The scope of the C.C.P. is very limited and not to go beyond the direction given by the tribunal for its compliance as such, there is nothing on record in respect of selection for promotion of the applicant on the post of Head T.T.E. and other proceedings in respect of such selection are not within the scope of contempt. If the applicant still feels that the order passed by the respondents on 28.07.2007 is not correct and also not reasoned one, he is at liberty to file fresh OA but, it is not open to him to go into the merits of such rejection order in

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this C.C.P. and as such, there is no act of willful disobedience on the part of the respondent to initiate contempt proceedings and as such, C.C.P. is liable for dismissal.

9. In the result the C.C.P. is dismissed with a liberty to the applicant to file fresh OA, if he is still aggrieved with the rejection order Dt. 27.7.2007 passed by the respondents. Notice discharged.



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



(M. KANTHAIAH)
MEMBER (J)

23.12.08

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