

Central Administrative Tribunal Lucknow Bench Lucknow

CCP No. 67/2008 in O.A. 468/2007

This, the 8th day of September, 2009

Hon'ble Ms. Sadhna Srivastava, Member (Judicial)
Hon'ble Dr. A. K. Mishra, Member (Administrative)

1. Ashok Kumar aged about 49 years son of Jagdev Prasad R/o LD-61/F, Running Shed Railway Colony, Alambagh, Lucknow.
2. Smt. Jaysree Hussain aged about 50 years wife of Sri Inayat Hussain, R/o Faqrudin Mohd. Ali an Co., 31, Latoush Road, Lucknow.
3. Shiv Prakash Srivastava aged about 49 years son of late Sri H.S. Srivastava, R/o B/199, Hind Nagar, LDA Colony, Kanpur Road, Lucknow.
4. Mohd. Afroz aged about 45 years son of Sri Rayees Ali, R/o 41/399, Dr. Sufai Ahmad Road, Lucknow.
5. Smt. Anita Chowdhary aged about 46 years w/o Sri Ashim Kumar Chowdhary, R/o 19/244, Indira Nagar, Lucknow.
6. Doodh Nath aged about 48 years son of late Sri B.D. Srivastava R/o SS-1149, Sector H, LDA Colony, Kanpur Road, Lucknow.

Applicant

By Advocate: Sri Vijay Dixit

VERSUS

1. Sri V.D. Sharma, Deputy Director Establishment (Welfare) Railway Board, Rail Bhawan, New Delhi.
2. Sri Chatey Ram, Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

Respondents

By Advocate: Sri S. Verma.

ORDER

By Hon'ble Ms. Sadhna Srivastava, Member (J)

This CCP has been filed alleging non-compliance of order dated 6.11.2007 passed by this bench of Tribunal in O.A. No. 468/2007.

2. The operative order passed by this Tribunal was to the following effect:-

"12. In view of the above circumstances, this O.A. is disposed of with a direction to the respondents authorities to consider the pending representation of the applicants dated 5.7.2007 (Annexure 14) by taking into consideration the judgments in O.A. 114/2003 on the file of Principal Bench (Annexure-8) and also O.A. 604/2005 (Annexure-10) and O.A. 495/2004 (Annexure 12) on the file of this Tribunal and pass reasoned order as per rules and regulations within a period of three months from the date of the receipt of a certified copy of this order. No costs."



3. In compliance, Senior Divisional Personnel Manager, on behalf of the Divisional Railway Manager, N.Railway, Lucknow has passed the order dated 25.11.2008 (Annexure C-1). The delay in passing the order has been duly explained.

4. The instant contempt petition was filed on 6.11.2008 alleging that compliance was not made within time prescribed by the Tribunal in its order dated 6.11.2007. The reason³² for delay in compliance of order of Tribunal have been explained in paras 8, 9 and 10 of the affidavit filed by Chahatey Ram, Divisional Railway Manager, Northern Railway, Lucknow. We are satisfied with the reasons so advanced. A reasoned and speaking order dated 25.11.2008 has also been passed in compliance of the Tribunal's order dated 6.11.2007. The applicant claims that order has not been passed as per the observations made in the judgment. We can only state the legal position, once the compliance has been made according to the best judgment of the authority required to comply with the order, the contempt can be made out only if willful disobedience has been done. The Tribunal while sitting in contempt jurisdiction, cannot re-open its earlier order. Of course, if fresh cause of action has occurred, the applicant is always at liberty to file fresh O.A. In view of this, CCP is dismissed.

Notices issued stand discharged.

Dr. A.K. Mishra 08/09/09
(Dr. A.K. Mishra)
Member (A)

Ms. Sadhna Srivastava
(Ms. Sadhna Srivastava)
Member (J)

HLS/-