

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

**C. C. P. No. 14 of 2010
In
Original Application No. 301 of 2005**

This, the 10th day of December, 2013.

**HON'BLE MR. NAVNEET KUMAR MEMBER (J)
HON'BLE MS. JAYATI CHANDRA, MEMBER (A)**

Ram Prakash, aged about 45 years, S/o Si Triveni, resident of House No. 6/19 Vikas Nagar (Lohiya Nagar) Lucknow (presently working as Assistant in the Rajbhasha section Office of Divisional Railway Manager, North Eastern Railway, Lucknow Division, Lucknow.

Applicant

By Advocate Sri Prashant Kumar Singh.

Versus

1. Sri shivaji Rakshit, Secretary Railway Board, Rail Bhawan, Raisina Road, New Delhi.
2. Sri Veer Singh Parsheera, Secretary, Rajbhasha Vibhag, Ministry of Home Affairs, New Delhi.
3. Smt. Urvilla Khati, Director Pay Commission, Railway Board, New Delhi.
4. Sri U.C. Dwadash Shreni, General Manager, North Eastern Railway, Gorakhpur.
5. Sri Om Prakash, General Manage (Personnel), North Eastern Railway Gorakhpur.
6. Sri Ashok Kumar Singh, Divisional Railway Manager, Lucknow.

Respondents

By Advocate Sri Rajednra Singh.

**(Reserved on 28.11.2013)
ORDER**

By Hon'ble Mr. Navneet Kumar, Member (J)

The present Contempt Petition is preferred by the applicant for non-compliance of the order dated 19.8.2009 passed in O.A. No. 301 of 2005 whereby, the Tribunal has been pleased to observe as under:-

“since the coordinate Bench of this Tribunal at Delhi has held similar view in respect of Hindi Translators working in the zonal railways as against their counterparts in the Railway Board and directed the respondent-authorities to consider the claims of the employees of the zonal Railway in their order dated 10.7.2009 in O.A. No. 312/2009 of Principal Bench, we would dispose of this O.A. with similar observations and direct the claim of the applicant may be considered along with others as per the directions earlier issued by the coordinate Bench.”

2. The learned counsel for the applicant has also pointed out that the Tribunal while deciding the O.A. the Tribunal given the benefit of the order passed by the Principal Bench in O.A. 312 of 2009.

3. Sri Rajendra Singh, learned standing counsel for North Eastern Railway who is present in the Court has pointed out that order passed by the Tribunal in O.A. No. 312 of 2009 by the Principal Bench of this Tribunal which was subsequently challenged before the Hon'ble Delhi High Court and the Hon'ble Delhi High Court vide order dated 21.10.2009 has been pleased to stay the judgment and order of the coordinate bench of the Tribunal and subsequently, vide order dated 29.11.2010, remanded back the matter to Principal Bench once again. Subsequently, the Tribunal vide judgment dated 5.7.2011 permitted the applicant to withdraw the O.A. as per the request of the applicants of the O.A. 312 of 2009. As such, it is submitted by the learned counsel for the respondents that since the O.A. No. 312 of 2009 is no more in existence as such, the benefit of this order cannot be extended to the applicant as well.

4. Heard the learned counsel for the parties and perused the record.

6. Undisputedly, the contempt petition is preferred by the applicant for non-compliance of the order dated 19.8. 2009 passed in O.A. No. 301 of 2005 and as per the bare reading of the order is clear to the extent that since the similar issue has been decided by the coordinate Bench of this Tribunal, therefore, the benefit of order dated 10.7.2009 passed in O.A. No. 312 of 2009 be extended to the applicant as well. It is also to be pointed out that since the order passed by the Tribunal was subsequently challenged before the Hon'ble High Court and after the matter being remanded back to the Tribunal by the Hon'ble Delhi High Court, the applicants of the O.A. 312 of 2009 have made a request for withdrawal of the O.A. and accordingly vide order dated 5.7.2011, the Tribunal has passed the following order:-

“1. Heard the learned counsel for the applicants. Learned counsel for the applicants submits that she wants to withdraw this O.A., at this stage, with liberty reserved to the applicants to file substantive OA for the same cause of action.

2. In view of what has been stated above, the applicants are permitted to withdraw this OA with liberty reserved to them in the aforesaid terms. It is further made clear that it will be open for the respondents to raise all permissible grounds in the O.A. to be filed by the applicants.

3. With these observations, the OA stands disposed of as withdrawn with liberty as aforesaid. No orders as to costs.”



7. Learned counsel appearing on behalf of the applicant has fairly submitted that since the order passed by the Tribunal on the basis of which the benefit was to be extended to applicant has already been withdrawn as the order dated 10.7.2009 passed in O.A. 312/2009 is no more in existence therefore, the present contempt petition also does not requires any orders. .

8. Considering the averments of the learned counsel for the parties, the present contempt petition is dismissed. Notices issued, if any, stands discharged.

J. Chandra
(Ms. Jayati Chandra)
Member (A)

vidya

Navneet Kumar
(Navneet Kumar)
Member(J)