

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

C. C. P. No. 57 of 2013  
In  
Original Application No. 367 of 2007

Order Reserved on 16.4.2014

Order Pronounced on 15/5/14.

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

Pramod Kumar Pandey  
aged about 50 years  
S/o Sri Srinivas Pandey  
R/o Village Ramwapur, Govinda,  
Post Office Pipra Bazar,  
district Gonda.

Applicant

By Advocate Sri Amit Verma for Shri A. Moin

Versus

1. M. K. Agarwal,  
Additional Divisional Railway Manager,  
North Eastern Railway  
Lucknow Division, Lucknow.
2. Radhey Shyam,  
Senior Divisional Commercial Manager,  
North Eastern Railway  
Lucknow Division, Lucknow.
3. Neetu,  
Divisional Commercial Manager,  
North Eastern Railway Lucknow Division,  
Lucknow.

Respondents

By Advocate Sri Rajendra Singh.

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 16.4.2013 passed in O.A. No. 367 of 2007 whereby, the Tribunal passed the following orders:-

*"The O.A. is partly allowed in view of the above discussion. Consequently, the impugned order dated 3.10.2006, removing the applicant from service and also the impugned orders dated 14.2.2007 and 20.7.2007 passed by the Appellate Authority and Revisionary Authority are quashed. No order as to costs."*



2. The learned counsel for the respondents filed their compliance report and through compliance report, it was indicated by the respondents that the services of the applicant was reinstated subject to final outcome of the Writ Petition which is filed by the respondents before the Hon'ble High Court and the respondents have also annexed the copy of the order dated 13.2.2014 whereby the applicant was reinstated into service as per the direction of the Tribunal. The respondents has also pointed out that since there was only a direction of reinstatement, as such, the respondents have reinstated the applicant and since there is no specific directions in regard to the payment of back wages as well therefore, no action is taken on this. The learned counsel for respondents also relied upon two decision of the **Hon'ble Apex Court one Prithawi Nath Ram Vs. State of Jharkhand and Others reported in AIR 2004 SC 4277**, Hon'ble Apex Court observed that **"court dealing with contempt cannot traverse beyond the order"** In the case of **Commissioner, Karnataka Housing Board Vs. C. Muddaiah reported in (2007) 7 SCC 689** wherein the Hon'ble Apex Court has been pleased to observed that **"once a direction is issued by a competent court, it has to be obeyed and implemented without any reservation."**

3. The learned counsel for the applicant has also admitted this fact that though the services of the applicant has been reinstated but no back wages were given to the applicant therefore, there is no full compliance of the order passed by the Tribunal. For this the learned counsel for the applicant has also relied upon the two decisions of the Hon'ble High Court reported in **1990 (8) LCD) 277 in the case of Chandraveer Singh Vs. M. B. Mathur** as well as **2007 (25) LCD 1616 in the case of Hanuman Prasad Srivastava and others Vs. Shri Lalji Ram and Others** wherein, the Hon'ble High Court has been pleased to observe that **"all necessary consequences automatically follow even**

if there is no direction to make payment of their salary and redetermine the post retiral dues."

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

5. Admittedly, the O.A. was disposed of by the Tribunal and a direction was issued wherein, the impugned order dated 3.10.2006, removing the applicant from service and also the impugned orders dated 14.2.2007 and 20.7.2007 passed by the Appellate Authority and Revisionary Authority were quashed. In pursuance thereof, the respondents have reinstated the services of the applicant subject to final outcome of the Writ Petition preferred by them challenging the order of the Tribunal. As observed by the Hon'ble Apex Court in the case of **Prithawi Nath Ram Vs. State of Jharkhand and Others**(Supra), the Hon'ble Apex Court has been pleased to observe as under:

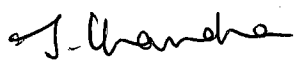
**"If any party concerned is aggrieved by the order which in its opinion is wrong or against rules or its implementation is neither practicable nor feasible, it should always either approach to the Court that passed the order or invoke jurisdiction of the Appellate Court. Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong the order has to be obeyed. Flouting an order of the Court would render the party liable for contempt. While dealing with an application for contempt the Court cannot traverse beyond the order, non-compliance of which is alleged. In other words, it cannot say what should not have been done or what should have been done. It cannot test correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction while dealing with an application for initiation of contempt proceedings. The same would be impermissible and indefensible.**

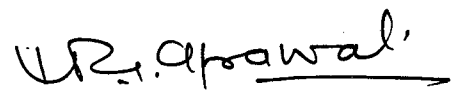
In the case of **Commissioner, Karnataka Housing Board Vs. C. Muddaiah**, the Hon'ble Apex Court has been pleased to observe as under:

**"Once a direction is issued by a competent court, it has to be obeyed and implemented without any reservation. If an order passed by a court of law is not complied with or is ignored, there will be an end of the rule of law. If a party against whom such order is made has grievance, the only remedy available to him is to challenge the order by taking appropriate proceedings known to law. But it cannot be made ineffective by not complying with the directions on a specious plea that no such directions could have been issued by the court. Upholding of such argument would result in chaos and confusion and would seriously affect and impair administration of justice."**

6. Since the order passed by the Tribunal was only quashing of the orders passed by the Disciplinary Authority, Appellate Authority and Revisionary Authority, as such, the services of the applicant was reinstated subject to final outcome of the Writ Petition which is preferred by the respondents challenging the order of the Tribunal. We do not find any reasons to interfere in the present contempt petition.

7. Accordingly, the contempt petition is dismissed. Notices issued to the respondents are discharged.

  
(Ms. Jayati Chandra)  
Member (A)

  
(Navneet Kumar)  
Member (J)

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