

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH,

LUCKNOW.

Contempt Petition No. 72/92  
In

O.A.No.121/92

LUCKNOW, THIS 21ST DAY OF OCTOBER, 1994.

HON'BLE MR. V.K. SETH, MEMBER (ADM.)  
HON'BLE MR. D.C. VERMA, MEMBER (JUD.)

1. Rajendra Prasad Upadhyay,  
Aged about 38 years,  
son of Sri Harihar Prasad  
Upadhyay, R/o.through  
Assistant Operating Supdt.  
Lucknow Yard, N.Rly.,  
Lucknow.
2. R.P.Dwivedi,  
aged about 36 years,  
S/o. Shri R.S.Dwivedi,  
R/O. II-82, Sleeper-  
ground colony, Alambagh,  
Lucknow at present posted  
as Yard Master Under  
ACS Yard, Lucknow.
3. Heera Lal, aged about  
38 years, S/o. Sri Ramnath,  
R/o. Village Kalwaria (P.O. Lal-  
Copal Ganj, Dist. Pratapgarh.
4. Anand Saroj Pandey,  
aged about 30 years,  
S/o. Sri R.S. Pandey,  
C/o. Asstt. operating  
Supdt., Lucknow yard,  
N.Rly., Lucknow.
5. Negar Ahmad Khan,  
Aged about 32 yrs.,  
S/o. Sri I.A. C/o. Asstt.  
Operating Supdnt.,  
Lucknow Yard, N.Rly.,  
Lucknow.
6. Ashok Chandra,  
aged about 31 years,  
S/o. of R.P. Sharma,  
C/o. D.P.O., D.R.M.,  
Officer, N.Rly.,  
Lucknow.

: : : : : Applicants.

BY ADVOCATE SHRI R.K. YADAV

Versus

1. Shri Rajkumar, General  
Manager, N.Rly., Baroda-  
House, New Delhi.

2. Shri D.P.Tripathi,  
D.R.M., Northern Rly.,  
Hazratganj, Lucknow.

3. Smt. Geeta Mishra,  
Sr.Divisional Personnel  
Officer, Northern Railway,  
Lucknow. .... Respondents.

BY ADVOCATE SRI A.K.CHATURVEDI

O R D E R (Oral).

HON.M.R.V.K. SETH, MEMBER (ADMINISTRATIVE).

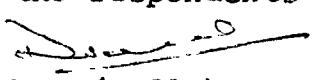
In this Contempt Petition the applicant prays for action against the opposite parties for committing contempt of the orders of this Tribunal dated 27-4-1992 passed in O.A.No.121/92.

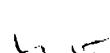
2. Affidavits have been exchanged between the parties. We have perused the records of the case as also heard the learned counsel for the parties.

3. The operative portion of the judgment is reproduced below :-

"Keeping in view the facts and circumstances of the case and all aspects of the matter, I find it expedient that the ends of justice would be served if the respondents are directed to procure the seniority list of the applicants also along with other counter-parts of the same scale in accordance with the extant rules, regulations and in terms of the Railway Board in this regard and thereafter to declare the result of the aforesaid test as well in accordance with law and extant rules, regulations and procedure by a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order and I order accordingly."

In final compliance of the orders of this Tribunal the respondents had issued a detailed order dated 16-9-92 which is available as Annexure-2 to the contempt petition. A perusal of this order reveals that in compliance of the interim orders of this Tribunal dated 13-3-92 the applicants were permitted to appear at the written test. Subsequently the O.A. was finally decided by the judgment and order of this Tribunal dated 27-4-92. According to the orders of the Tribunal a seniority list of the applicants along with counter-parts of the same grade has to be prepared. This was done by the respondents as seen from the order dated 31-7-1992 (Annexure C-I to the C.A.). The result of the successful candidates at the written test was declared and on the basis of this fresh seniority list by order dated 16-9-92 (Annexure-2 to the Contempt Petition) was prepared. The learned counsel for the applicant strenuously urged that a combined seniority list as per the directions of this Tribunal has not been prepared before declaring the results. However, he was unable to demonstrate as to how the seniority list prepared on 31-7-92 was not in conformity with the extant rules and regulations and instructions of the Railway Board. After a perusal of the records we are convinced that the respondents have complied with the judgment and orders of this Tribunal dated 27-4-92 and no case is made out against the respondents for initiating contempt proceedings. This contempt petition is accordingly dismissed. Notices issued to the respondents are hereby discharged.

  
Member (Juril.)

  
Member (Admn.)

(nain,