

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

C.C.P. No. 35/2004

In

O.A.No. 373/01, 374/01, 460/99 & 461/99

Lucknow this the 9th day of March, 2005

HON. SHRI S.P. ARYA, MEMBER(A)

HON. SHRI M.L. SAHNI, MEMBER(J)

1. Samar Bahadur son of Sri Ram Pher resident of village Pure Raj Bal, Majre Chandrmau, (Rasid Patti), Distt. Faizabad.
2. Suresh Kumar son of Shri Pyare Lal, resident of 554 Kha/205, Vishasar Nagar, Alambagh, Lucknow.
3. Roop Narayan son of Sri Chasete, Resident of village Nidha Khara, Post Purwa, District Unnao.
4. Gulab Chandra son of Sri Buddhi Lal, resident of village Kunjpur, Post Kusumbhi, Unnao.

Applicants.

By Advocate Sri R.C. Mishra.

Versus

1. Mr. R.K. Bansal, Divisional Railway Manager, Hazratganj, Lucknow.
2. Mr. C.S. Yadav, Assistant Mechanical Engineer, Diesel Shed, Northern Railway Lucknow.

Respondents.

By Advocate Shri Raj Singh for Shri A.K. Chaturvedi.

Order

By M.L. Sahni, Member (J)

1. The Original applicants in the above stated respective O.As have filed this C.C.P. jointly praying for calling upon the opposite parties to comply with the directions given in order dated 17.10.03 passed by this Tribunal in Bunch of O.As including their original applications numbered above. It is alleged in the Contempt Petition that the stipulated time as given in the order has already expired but the respondents have failed to



comply with the directions and have willfully disobeyed the Tribunal's order and hence are liable to be proceeded for civil contempt under section 17 of the C.A.T. Act.

2. In the order dated 17.10.03, the termination orders of the applicants, who filed their O.As before the Tribunal including the petitioners, who filed the Original Applications before the Tribunal, ~~were terminated, was~~ quashed due to irregularity for not having issued show cause notice to the applicants therein, specifically providing that the applicants would not be entitled to back wages. It was further observed that the respondents would be at liberty to give show cause notice to the applicants within 6 weeks from the date of receipt of a copy of the order calling upon them to explain within one month how they were appointed ^{who} ~~but~~ asked them to join and who was their acquaintance as stated in the O.As; that after the reply is given by the applicants, within stipulated period, it would be open to respondents to pass appropriate orders in accordance with law within six weeks thereafter under intimation to the applicants. The Tribunal further ordered that till such time the exercise, as stated above is complete, the applicants would be kept under suspension. The petitioners have alleged that they have not been paid the subsistence allowance due to them and that some of the applicants of the order dated 17.10.03 have been paid subsistence allowance from November, 2003 to the date of their termination but the petitioners of the C.C.P. have been paid subsistence allowance only for three months from April, 2004 till the date of their termination. According to the petitioners they are entitled to subsistence allowance w.e.f. November, 2003 and thus the denial of subsistence allowance from the said date to the petitioners, is in ~~this-regard,~~ ^{of &}

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a disobedience to the directions given in the order dated 17.10.03.

3. We have heard the learned counsel for the parties and have perused the pleadings on record.
4. On behalf of the petitioners, their counsel has produced a copy of the order passed in C.C.P. 36/04 in O.A. 550/99 which was also part of the Bunch of the O.As decided vide order dated 17.10.03. He has submitted that while disposing of the C.C.P. similar directions as given in order dated 4th October, 04 in C.C.P. 36/04 may be passed.
5. On behalf of respondents, it is submitted that the order dated 4.10.04 has been stayed till further orders by the Hon'ble High Court of Allahabad (Lucknow Bench) in Civil Misc. Application No. 4289/05 in Writ petition No. 189/05. He has also produced a copy of the order whereby the operation of the order dated 4.10.04 passed by this Tribunal would remain stayed.
6. In view of the said order passed against the order dated 4.10.04, we do not think it expedient to proceed with the Contempt Petition till the writ petition No. 189/05 referred to above is disposed of. We, accordingly order that the C.C.P. be adjourned sine-die to be revived by either of the parties at the appropriate stage.



(M.L.SAHNI)

Member(J)



(S.P.ARYA)

Member(A)

s.a.