

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Contempt Petition No.97/2005

In

Original Application No.415/1997

This, the 1st day of ^{December} November 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

HON'BLE DR. A.K. MISHRA, MEMBER (A)

Paras Nath Singh, aged about 42 years, son of Late Shri Suraj Bali
Singh, Address-II-96-C, Church Colony, Alambagh, Lucknow.

Applicant.

By Advocate:- Shri R.K. Dubey.

Versus.

1. Shri R.K. Gupta, The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
2. Shri B.N. Mathur, The General Manager, Northern Railway, Baroda House, New Delhi.

... Respondents.

By Advocate:- Shri B.B. Tripathi for Shri N.K. Agrawal.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER (J)

The Applicant has filed the C.C.P. under Section 17 of Administrative Tribunal Act, 1985 read with Section 12 of Contempt of Court Act to initiate contempt proceedings against the respondents and punish them, on the ground that they willfully and deliberately did

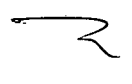
not comply and taken any action as per the direction of the Tribunal in O.A. No. 415/1997 dt. 04.04.2005.

2. The respondent filed compliance report, stating that they have complied with the order of this Tribunal and passed order vide order dt. 6.1.2006 (Ann.C-1) rejecting the claim of the applicant.

3. Heard.

5. The point for consideration is whether the applicant is entitled for the relief as prayed for.

6. The admitted facts of the case are that the applicant filed OA seeking for his appointment as Charge-Man w.e.f. 29.07.1992, treating him as fully qualified for the said post with consequential benefits. After due contest, the said OA was disposed of on 04.04.2005 with a direction of the respondents to decide the representation dt. 25.4.1997 (Ann-6) and copy of which be produced again to the competent authority by applicant within one month, in terms of the Master Circular No.17 of the Railway Board's Compendium Vol.-II and the competent authority shall decide the representation of the applicant within 3 months from the date of the production of the copy of the order alongwith Ann.6 by the applicant. Thereafter, the applicant filed the present petition stating that the authorities have not complied with the direction of this Tribunal. But, during the pendency of this application, the respondents have filed compliance report alongwith copy of rejection order dt. 6.1.2006 (Ann.-C-1) stating that the authorities have considered the representation of the applicant in pursuance of the direction of the Tribunal dt. 4.4.2005 and passed reasoned order, declining the claim of the applicant.



7. From the reading of the order of this Tribunal dt. 4.4.2005, direction was given to the competent authority to consider the representation of the applicant and pass reasoned order within one month in terms of the Master Circular No.17 of the Railway Board's Compendium Vol.-II and accordingly, the respondents have considered the representation of the applicant and passed reasoned order dt. 6.1.2006 (Ann.-C1). In such circumstances there is no justification in the claim of the applicant to initiate contempt proceedings against the respondents. If the applicant is still aggrieved, he is at liberty to file fresh OA and as such, there is no act of contempt on the part of respondents and thus C.C.P. is liable for dismissal.

In the result, C.C.P. is dismissed. Notices are discharged.


(DR. A.K. MISHRA)

MEMBER (A)


(M. KANTHAIAH)

MEMBER (J)

01-12-2008

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