

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW**

**C. C. P. No.28/2012
In
Original Application No. 114/2007**

Lucknow this the 24th day of July, 2014.

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

Ashok Kumar Verma, aged about 47 years, S/o Sri R.K. Verma
R/o C-48 Sarvodayanagar

Applicant

By Advocate Sri Amit Verma for Sri A. Moin.

Versus

1. Sri Radhey Shyam Senior Divisional Commercial Manager,
North Eastern Railway Ashok Marg Lucknow.
2. Sri Dharendra Kumar Divisional Commercial Manager,
North Eastern Railway Ashok Marg, Lucknow.

Respondents

By Advocate Sri S.Verma.

ORDER(ORAL)

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

The present Contempt Petition is preferred by the applicant for non compliance of order dated 16th April, 2012 passed in O.A. No. 114 of 2007 connected with O.A. No. 389/2007 through which the O.A. was allowed and both the impugned orders dated 3.10.2006 and 31.01.2007 as contained in Annexure -2 and Annexure A-1 were quashed. The respondents were given liberty to proceed with the charge sheet afresh in accordance with law. The learned counsel for the applicant submitted that though the services of the applicant were reinstated, but consequential benefits have not been given whereas, in regard to similar situated persons, the respondents have passed different orders. The learned counsel for the applicant has also relied upon a decision of Hon'ble High Court in the case of Hanuman Prasad

Srivastava and Others Vs. Shri Lalji Ram and Others reported in 2007 (25) LCD 1616 through which it is indicted by the applicant that once the orders are quashed all necessary consequential benefits automatically follow even if there is no direction to make payment of their salary and redetermine the post retiral dues.

2. The learned counsel appearing on behalf of the respondents filed their reply and through reply, it is indicated by the respondents that the order passed by the Tribunal has already been challenged by the respondents in Writ Petition No. 1474 (SB) of 2012 before the Hon'ble High Court and the respondents have passed an order on 3.1.2013, through which it is indicated that in pursuance of the order passed by the Tribunal, the applicant was reinstated, but as regard the period from removal till joining, would be considered only after the decision of the Writ Petition. The learned counsel for the respondents has also relied upon the decision of the Hon'ble Apex Court in the case of **Prithawi Nath Ram Vs. State of Jharkhand and Others** reported in (2004) 7 SCC 261, and pointed out that "the Court cannot traverse beyond the order." Not only this, the learned counsel for the respondents has also relied upon the case of **K. G. Derasari Vs. Union of India** reported in 2002 SCC (L&S)756, and submitted that the Hon'ble Apex Court observed "that the Tribunal while considering the contempt petition under Section 17 could not issue directions which had the effect of reviewing its original order. In an application for contempt, the Tribunal was only concerned with the question whether earlier decision has reached its finality and whether same has been complied with or not." It is also argued by the learned counsel for the respondents that since there is no willful disobedience

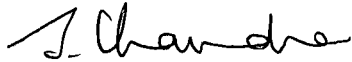
on the part of the respondents, as such, the present contempt petition is liable to be dismissed.

3. The perusal of the record shows that the contempt petition is preferred for non compliance of order whereby, the Tribunal quashed the impugned order dated 3.10.2006 and 31.1.2007 and in pursuance of the said directions, the respondents have already reinstated the applicant which is not denied by the learned counsel for the applicant but the same is subject to final out come of the Writ Petition and as regard, the decision between the date of removal till joining, it is categorically pointed out by the respondents that the same would be decided after the decision of the Writ Petition No. 1474 (SB) 2012 filed before the Hon'ble High Court as per rules. As observed by the Hon'ble Apex Court in the case of **Chhotu Ram Vs. Urvashi Gulati and another reported in AIR 2001 SC 3468**. The Hon'ble Apex Court has observed that "the act being a powerful weapon in the hands of law courts and the jurisdiction under the same must be exercised with due care and caution and for larger interest." As per the decision rendered by the Hon'ble Apex Court in the case of **Prithawi Nath Ram Vs. State of Jharkhand and Others(Supra)** the Court cannot traverse beyond the order. The respondents have also passed an order dated 3.1.2013, through which the applicant is reinstated and decision in regard period from removal till joining would be considered after the decision of Writ Petition which does not appear to be unjustified. The Hon'ble Apex Court in the case of **Suresh Chandra Poddar Vs. Dhani Ram & Ors. Reported in 2002 (2) SLJ SC 418** has been pleased to observe as under:

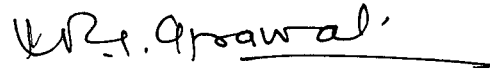
"that contempt jurisdiction is not to be exercised casually
 but only sparingly and in very deserving cases. It is

appropriate to bear in mind the adage "It is good to have the power of giant, but not good to use it always."

4. As such contempt petition is dismissed. The notices issued stand discharged.



(Ms. Jayati Chandra)
Member (A)



(Navneet Kumar)
Member (J)

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