

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW

Contempt Petition No. 1119/91

IN

Original Application No. 248/91

this the 6th day of April, 1995

HON'BLE MR. JUSTICE B.C. SAKSENAYA, VICE-CHAIRMAN  
HON'BLE MR. V.K. SETHE ADMINISTRATIVE MEMBER

1. H.L. Agarwal, aged about 56 years, S/o Sri J.K. Agarwal, R/o Flat No. 3, Nanpara House, Kaiserbagh, Lucknow posted as Chief Inspector of Works, Northern Railway, Lucknow.  
2. A.S. Bakshi, aged about 51 years, S/o Sri S.S. Bakshi, R/o 279, Pandariba, Lucknow, working as ICW Gr. II, Northern Colony, N.Rly. Charbagh, Lucknow.

Applicants

By Advocate : None

Versus

Ram Swaroop, Assistant Personnel Officer, N. Rly.  
D.R.M. Office, Hazratganj, Lucknow.

Respondent

By Advocate : Shri S. Verma

ORDER (ORAL)

HON'BLE MR. JUSTICE B.C. SAKSENAYA, VICE-CHAIRMAN

When the case was called-out none responded  
on behalf of the applicant and there is also no  
*1/for*

request for adjournment of the case on his behalf. Shri S. Verma learned counsel for the respondents is present. We have gone through the Review Application No. 303 (L). The Review Application is directed against the judgment and order dated 1.5.93 passed by the Division Bench of the Tribunal by which O.A. No. 248/91 had been dismissed. The said O.A. was filed by the applicant for seeking quashing of transfer order dated 3.2.91 whereby the applicants have been transferred to the different stations. The applicant No. 1 has retired on 28.2.93. Although the pleas raised in the Review Application which were also raised in the O.A. were duly considered in the judgment and order dated 1.5.91. and there is no violation of the statutory rules, the Bench of the Tribunal dismissed the O.A. on merits on 1.5.91. One of the ground taken in the Review Application is that para 21 of C.A. filed by the respondents in the O.A. indicates that the persons referred therein were holding the post of I.O.W. Gr. II since 1982. The applicants in his R.A. have stated that wrong facts have been mentioned in the reply which are not supported by the service records of the applicants. The pleadings had been considered, no ground contemplated by the order of 47 rule 1 of C.P.C. is made-out. No error apparent on the face of record is discernible nor has been pointed-out in the Review Application. The Review Application is, therefore, devoid of merit and it is accordingly dismissed.

2. The applicant has also filed M.P. No. 1119/91(L) for praying that respondents may be punished under section 193 of IPC for intentionally giving false statement to procure an order in favour of the respondents. Shri S. Verma, learned

Counsel for the respondents has rightly pointed-out

~~pointed out~~ that para 21 of C.A. filed in O.A. that period  
~~Service of the persons~~  
~~of nine years~~ concerned on the post of IOW Gr. II  
have been indicated. It has also been indicated that Shri  
V.M. Kappor, IOW Gr. I was posted at Lucknow from 13.6.83.  
In the Rejoinder this facts is contested that it was  
alleged that the said Shri Kapoor was posted at Lucknow  
since 1962. There is no adjudication on these facts. Neither  
much turns on this ~~in~~ the judgment rendered by the Division  
Bench in the O.A. Accordingly no action against the respon-  
dents is called for. M.P. No. 1119/91 is dismissed.

✓ LK  
MEMBER (A)

Babu  
VICE-CHAIRMAN

LUCKNOW: DATED: 6.4.95

GIRISH/-