

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA.**

**CCPA No. 119 of 2000**  
**(Arising out of OA 318 of 1996)**

**Date of order : 12<sup>th</sup> July 2006**

**C O R A M**

**Hon'ble Shri Justice P.K. Sinha, V.C.**  
**Hon'ble Shri S.N.P.N. Sinha, Member (A)**

1. Ranjeet Kumar, S/o Shri Satya Narayn Prasad, Railway quarter No. 21/B, Railway Station, Darbhanga.
2. Sunil Kumar Prasad, S/o Shri Ram Prasad Rai.
3. Raj Kumar Srivastava, S/o Shri Bhavnath Prasad,
4. Saroj Kumar Mishra, S/o Shri Bal Kishore Mishra.
5. Pravin Kumar Pandey, S/o Shri Chandar Kant Pandey.
6. Tribhuvan Pd. Sinha, S/o Late Surya Deo Pd. Sinha.
7. Amrendra Kumar, S/o Shri Kapileshwar Rai,
8. Arun Kumar Rai, S/o Shri Yogendra Nath Rai.
9. Vijay Kumar Srivastava, S/o Shri Jagat Narayn Prasad.
10. Sudhir Kumar, S/o Shri Harishchandra Lal.
11. Laxman Pd. Singh, S/o Late Charittar Pd. Singh.

**....Applicants**

**By Advocate : Shri S.C. Jha**

**Vs.**

1. Shri V.K. Agrawal, Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
2. Shri Binod Kumar Gark, G.M., N.E. Railway, Gorakhpur.
3. Shri Devendra Singh, D.R.M., N.E. Railway, Samastipur.
4. Shri Radhe Shyam Barsnayee, G.M., E.C. Railway, Hazipur.
5. Shri B.K. Bahmani, DRM, E.C. Railway, Samastipur.
6. Shri Sudhir Mishra, DRM ( P ), E.C. Railway, Hazipur.

**....Respondents**

**By Advocate : Shri S.K. Griyaghey.**

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**ORDER**

**By Justice P.K. Sinha , V.C.:-**

This is an application to initiate a proceeding for contempt of court against the respondents authorities for non-compliance of the order recorded by this Tribunal on 30.3.1999 in OA 318 of 1996.

2. Both sides have been heard.

3. The applicants, while working as Voluntary Ticket Collector (VTS in short) on daily emolument of Rs. 8/-, were disengaged from such work, whereafter they came up before this Tribunal for their re-engagement as well for regularisation. Discussing orders passed in different O.As on the similar matter, this Tribunal gave a direction to the respondents to consider the prayer of the applicants for their re-engagement as VTC etc., in accordance with law and relevant instructions as well in the light of the points discussed in the order and to pass a reasoned order, within four months of the receipt of a copy of that order.

4. The respondents have filed their show-cause annexing R/1, which is the reasoned order recorded by them

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in compliance of the order of this Tribunal in the aforesaid OA as well in the light of their representation submitted to the Minister of State, Railways. Five reasons have been given for rejecting their prayer, including the grounds that since 17.11.1996 the policy of engaging people as VTC had been withdrawn, and that they had left their jobs as VTC voluntarily, and were not working as such while the similar matter was decided by the Apex Court.

5. This order is dated 5.9.2000. In the show cause the respondents have also tendered unqualified apology, while showing reasons as to how the order was not disobeyed.

6. In view of their unqualified apology and in view of the compliance of the order, i.e., passing of the speaking order by the concerned authority, this Tribunal accepting the apology for late compliance of the order, the matter should have ended there. If the applicants were dissatisfied with the order, they were free to take further legal remedies.

7. However, the matter further has been agitated in

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view of the letter placed on record by way of applicants' supplementary reply to the supplementary show cause filed on behalf of respondent No. 5 which purports to be a communication under the signature of one Anil Kumar Saxena, Director ( PR) dated 2.3.2003 in which it was mentioned that one of the applicants had approached the undersigned through a journalist and placed before him the order of the Apex Court recorded in July, 1995 to re-engage the similarly situated other employees in Group 'D' post. As per that letter, the applicants of the OA were not the petitioners before the Supreme Court, hence they had filed OA before this Tribunal, and this Tribunal had directed railways to re-engage them as VTCs. It was also mentioned that since the applicants were not so re-engaged, it was "flagrant violation of Court's directions and great contempt of court". This letter also mentions some political dignitaries who also had written in favour of the applicants. Supplementary show cause was filed by the respondent No. 6 in which genuineness of the aforesaid document was questioned. However, the documents were brought on record thereafter to

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show that on seeking of information about genuineness of the letter said to have been written by the Director ( PR), he himself had admitted in writing that he had sent that letter.

8. The argument was that in this letter the Director (PR) had admitted that not engaging the applicants would amount to contempt of court. However, that appears to be a letter written by the authority when approached by a journalist as also in view of the recommendations made by certain political authorities. Whether or not the same amounted to contempt of court appears to be the personal opinion of the writer of that letter which need not form the basis of a decision by the Tribunal in that regard. Moreover, in the matter of contempt, a Court/Tribunal is to consider the matter strictly on its merit and not on account of such subsequent correspondences made , which were not part of the order in the related OA.

9. We , therefore, find that, though belatedly, the order of the Tribunal has been complied with and that a reasoned order has been passed giving grounds for rejection of the prayer. If the applicants were dissatisfied with the

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reasoned order, they were free to take further legal remedies, subject to limitation.

10. In the circumstances as mentioned above, we do not find that the respondents have committed contempt of court.

11. This proceeding, therefore, is dropped and the notices issued to the respondents are hereby discharged.

  
[ S.N.P.N. Sinha ] M [ A ]

  
[ P.K. Sinha ] V.C.

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