

CCPA

166/2000
OA - 433/96

Smt. Sudheswari Devi Vs. U.O.I. & Ors.

1/09.08.2000 None for the applicant. Defects pointed out by office not removed. By way of last chance, time is allowed, List the record before me on 30.8.2000 for removal of defects.

SRK/

(A.K. Verma)
Registrar

2/30.08.2000 Defects pointed out by office not removed. Defects were notified on 24.7.2000. Sufficient time has been allowed for removing the defects. List the record before the Hon'ble Bench on 20.9.2000 for direction.

SRK/

(A.K. Verma)
Registrar

3/20.9.2000

Shri M.P.Dixit, counsel for applicant
Defects not removed. As last chance the learned counsel for the applicant is directed to remove the defects. List it for hearing on CCPA on 13.10.2000.

SKS

(L. Hmingliana)/M(A)

(L. Jha)/M(J)

4

13.10.2000

CM

Shri M.P.Dixit, counsel for the applicant, prays for two days time so as to enable him to remove the defects. List it on 23.10.2000. In the meanwhile, defects must be removed.

(L.R.K.Prasad)
M(A)

(S.Narayan)
V.C.

23.10.2000

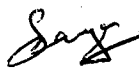
CM

Shri M.P.Dixit..Counsel for the applicant.

Heard the learned counsel for the applicant and also perused the record. Issue notice to opposite party no.1 as to why contempt proceeding be not initiated against him. Show-cause to be filed within six weeks. Let it be listed on 11.12.2000 for hearing on contempt matter.


 (L.R.K. Prasad)

M(A)



 (S. Narayan)
 V.C.

6/11.12.2000 : Shri M.P.Dixit, counsel for the applicant.

Notices against the respondents were issued on 21.11.2000. None for the respondents.

Awaiting show cause reply on the next date, list again on 12.01.2001 for hearing on contempt.

skj


 (L.R.K. Prasad) / M(A)


 (S. Narayan) / V.C.

7./ 12.1.2001.

For want of time, hearing on contempt is adjourned to 31.1.2001.

/CBS/



 (L.R.K. PRASAD) / M(A)

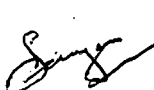

 (S. NARAYAN) / V.C.

31.1.2001

CM

On request of Shri Gautam Bose, list it on 12.3.2001 for hearing on CCPA.


 (L.R.K. Prasad)
 M(A)


 (S. Narayan)
 V.C.

Request filed
on 15.11.2000
stamp of Rs 25/-
15/11/2000

Notices issued
on 21.11.2000
Ackd/
21/11/2000

9./ 12.3.2001.

Shri M.P. Dixit, the counsel for applicant.

DB not cancelled
On the request by Shri G. Bose, the counsel for the respondents, four weeks further time is allowed for filing show cause. List it on 2.5.2001 for hearing on contempt.

/CBS/

[Signature]
(L.R.K. PRASAD)/M(A)

10/2.5.2001

Shri M.P. Dixit, counsel for applicant

Shri G. Bose, counsel ~~for respondents~~

appearing on behalf of Shri P.K. Verma, counsel for the respondents

The allegation in the CCPA is non-compliance with the order of this Tribunal dated 5.4.99 allowing the OA-433/96 filed by the applicant with direction to the respondents to consider his case for appointment on compassionate ground ^{appropriate} and to pass an order.

2. Shri Dixit shows me the speaking order dated 23.10.2000 passed by the DRM, N.E. Railway, Sonepur. He contends that the remarks of the ~~xxx~~ DRM, N.E. Railway, Sonepur in para-2 of his order that the Judge has interpreted this case as compassionate ^{reality} although in ~~xxx~~ ^{shows a} it is not exactly ~~so~~ contemptuous attitude to the order passed by ~~xx~~ this Tribunal. The learned counsel for the applicant feels that even for this remark there is a case for summoning ^{in person} Shri U.N. Manjhi to appear ~~in~~ the hearing.

3. Shri Bose states that he was appearing for the Respondents originally, but he ~~has~~ turned

the brief to the Railway Administration and Shri P.K. Verma was entrusted with the brief and he asked for time to enable him to convey ^{the} proceedings of today to the Respondents. Shri Raj Narain, Head Clerk in the office of DRM (Personnel), N.E. Railway, Sonepur, is ~~present~~ present. List it for hearing on 23.5.2001.

(L. Hingliana)
Member (A)

SKS

11/23.5.2001 Shri M.P.Dixit, counsel for applicant
None for the respondents

Show cause has not been filed even though notice was issued on 21.11.2000. List it on 28.5.2001 before Division Bench for hearing.

SKS

(L. Hingliana)
Member (A)

12./ 28.5.2001.

Shri M.P. Dixit, counsel for applicant.

Shri P.K. Verma, learned counsel appears on behalf of respondents as against the earlier appearance of Shri G. Bose, and prays for time so as to enable him to file W/S. Shri Verma, submitted that he would be filing W/S within two weeks. In the circumstances, the matter be listed on 9.7.2001 for hearing on contempt.

/CBS/

(L.R.K. PRASAD)/M(A)

(S. NARAYAN)/V.C.

13/9.7.2001

Shri M.P.Dixit, counsel for the applicant.

The learned counsel for the applicant seeks for issue of rule. As DB is not available, list it for hearing on 26.7.2001.

(L.Hmingliana)/M(A)

14./ 26.7.2001. Shri M.P.Dixit, counsel for applicant.

Show cause notices were issued on 21.11.2000, but reply has not been received. The order passed by the competent authority pursuant to the order of the Tribunal dated 5.4.99 in OA 433/96 hasnot been annexe to the CCPA. Adjourned to 21.9.2001 for hearing.

(L. HMINGLIANA)

/CBS/

15/21.9.2001

Shri M.P.Dixit, counsel for the applicant.

None for the respondents.

Show-cause reply already filed. List it for hearing on 4.10.2001.

MPS.

(L.Hmingliana)/M(A)

(L.Jha)/M(J)

16/4.10.2001

Shri M.P.Dixt, counsel for applicant.

None for the respondents

Heard. Issue notice for personal appearance of Shri U.N.Manjhi, Divisional Railway Manager, Sonepur, on 27.11.2001.

SKS

(M.P.Singh)/M(A)

(Lakshman Jha)/M(J)

MPS.

Vakalatnama
Filed & recd
in file

Recd
21.9.01

Show Cause
Filed on
20.7.01

Recd
21.9.01

17/27.11.2001 Shri M.P.Dixit, counsel for the applicant.

Shri P.K.Verma, counsel for the respondents.

The learned counsel for the respondents

Shri Verma states that he has received a fax message from the alleged contemner Shri V.N.Manjhi, who is posted at Shillong. According to the fax message, he is requested for personal exemption from appearance for today. The Sr.Divisional Personnel Officer Shri Nagendra Ram is in attendance on behalf of Shri Manjhi. Since DB is not available, list it for hearing on 7.1.2002.

MPS.

(L.Jha)/M(J)

7.1.2002

Shri M.P.Dixit, counsel for the applicant.

Shri P.K.Verma, counsel for the respondents.

Since DB is not available, list it for hearing on 23.2.2002.

125.

(Sarveshwar Jha)/M(A)

19./ 25.2.2002. On the request made by the learned counsel for the applicant, list it on 15.4.2002 for hearing.

/CBS/

(SHYAMA DOGRA)/M(J)

(L.R.K. PRASAD)/M(A)

20

15.4.02

For the applicant..Mr. M.P.Dixit

CM.

For the respondents. Mr. P.K.Verma

On the request made by the learned counsel for the applicant, list it on 1.5.2002 for hearing.

(Shyama Dogra)

M(J)

(L.R.K. Prasad)


M(A)


21

1.5.02

CM

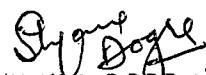
On the request made by Shri M.P.Dixit, list it on 2.7.2002 for hearing.



(Shyama Dogra)
M(J)


(L.R.K. Prasad)
M(A)

22./ 2.7.2002. Both sides are present. On their request, list it on 18.7.2002 for hearing.

/CBS/


(SHYAMA DOGRA)/M(J)



(L.R.K. PRASAD)/M(A)

23

18.7.02

CM

List it on 5.8.2002 for hearing.


(Shyama Dogra)
M(J)

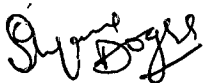

(L.R.K. Prasad)
M(A)

24/05.08.02

Both sides are present.

With mutual consent, list it on 12.08.02 for hearing.

SRK/


(SHYAMA DOGRA)/M(J)

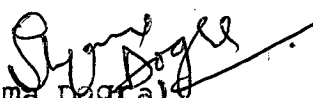

(L.R.K. PRASAD)/M(A)


25

12.8.02

CM


Both sides are present. On the request made by Shri P.K.verma, list it on 19.8.2002 for hearing.


(Shyama Dogra)
M(J)


(L.R.K. Prasad)
M(A)

26./ 19.8.2002. None for the respondents. On the request made by Shri M.P. Dixit, counsel for applicant, let it be adjourned to 19.9.2002 for hearing.

/CBS/

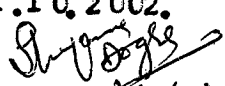

(SHYAMA DOGRA)/M(J)


(L.R.K. PRASAD)/M(A)

27/19.9.2002

For want of time, be listed for hearing on 21.10.2002.

MPS.



(S. Dogra)/M(J)


(S. Jha)/M(A)

28/21.10.02

Since the matter pertains to D.B., be listed on 03.12.2002 for hearing.

SRK/


(Shyama Dogra)/M(J)

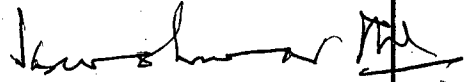
CCPA-166/2000

28/03.12.02

Both sides are present.

Pleadings are complete. Let it be
listed for hearing on 06.01.2003 Rgx.

SRK/


(Sarveshwar Jha)/M(A)

29/6.1.2003 Shri M.P.Dixit, counsel for applicant

None for Respondents


Since this matter pertains to
DB list it on 14.2.2003 for hearing.


sks


(S. Dogra)/M(J)

30/9.1.04 Order as per separate sheet listing of
the CPA was dictated in Court.

CAS


(M. Jha)/M(A)


(S. Dogra)/M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA.

CCPA No. 166 of 2000

(Arising out of OA No. 433 of 1996)

Smt. Sudheshwari Devi and another Applicant.

Vs.

Shri U.N. Manjhi and others Respondents.

For the applicants : Shri M.P. Dixit.

For the respondents : Shri P.K. Varma.

C O R A M

Hon'ble Smt. Shyama Dogra, Member (J)

Hon'ble Shri Mantreshwar Jha, Member (A)

03./ 09.01.2004.

O R D E R

(Dictated in Court)

By Shyama Dogra, M(J):- This contempt petition has been filed by the applicant for non-compliance of the order passed by this Court in OA 433 of 1996 on 5.4.1999, whereby the respondents were directed to consider the case of the applicants for appointment on compassionate grounds and to pass order in accordance with statutory regulation and instructions. Show cause reply has been filed on behalf of the respondents.

2. While filing show cause, it is submitted by the respondents that necessary order has been passed by the respondents through speaking order on 23.6.2000, and the case of the applicants has been rejected in view of the fact that the deceased employee late B.N. Choudhary has met with self caused accident, and it is a proved fact that his case is covered under "untowards accident" as mentioned in the amendment Indian No. 28 of 1994 of the Railway Act, and the family of the deceased employee has been compensated by the Railway Railway Claim Tribunal with an Award of Rs.2,00,000/-. Therefore, the

Contd..2/-

Contd../-

plea of the applicant for his appointment on compassionate ground is not tenable. This order has been passed by the DRM, Sonapur vide Annexure R-1 annexed with the show cause.

3. In reply to the show cause, the learned counsel for the applicant has submitted that the said order of this court has not been complied with by the respondents in its letter and spirit in view of the fact that specific directions were given by this court to consider the case of the applicant for his appointment on compassionate ground, and respondents have wrongly come to the conclusion that ~~the~~ the said accident occurred when the deceased employee was not on duty. Therefore, he cannot be said to have died in harness as pleaded by the respondents.

4. We have heard the learned counsel for the parties and gone through the record. After perusal of the order passed by this Court on 5th April, 1999 (C-1), it is found in para 5 that it has been established on record that the deceased employee has got crippled while meeting with the accident while coming to join duty at Karha Gola, and the accident in which he lost his both feet had occurred at Karha Gola where he was posted. In fact ^{to the advantage,} what has been granted in clause 1 of the circular dated 7.4.1983, as referred to in para 4 of the order must go in favour of the deceased employee.

5. Meaning thereby that while passing the order vide Annexure R-1, the concerned respondents have failed to appreciate the basic ingredient of that order and have come to the wrong conclusion.

6. However, taking into consideration that the

Contd..3/-

Sgt

Contd.../- respondents have passed certain order in compliance of the order passed by this Court though with wrong appreciation of the material available on record, therefore, we are not inclined to interfere further in the contempt proceedings. Therefore, the contempt notices being issued to the respondents are hereby discharged and contempt proceedings dropped, with further direction to the respondent No. 2 (DRM), Sonapur to comply with the order passed by this Court in the above referred DA in letter and spirit and thereafter to pass appropriate order within a period of three months from the date of receipt of copy of this order.

7. In terms of this directions and observations as above, this CCPA stands disposed of.

/CBS/

(M. JHA) M(A)

(S. DOGRA) M(A)

9.1.09