

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P. NO.: 61/2000 IN O.A. No. 329/99

Dated this Tuesday, the 21st day of August, 2001.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Hon'ble Shri S. L. Jain, Member (J).

B. Ramasubbiah,
Section Engineer (Works),
under the Dy. Chief Engineer
(Construction),
Divn1. Railway Manager's
office complex, Central Railway,
Solapur.

... *Applicant*

(By Advocate Shri V.G. Rege)

VERSUS

1. Union of India through
The General Manager,
South Eastern Railway,
Garden Reach, Calcutta.

2. Chief Personnel Officer,
South Eastern Railway,
Garden Reach, Calcutta.

3. Deputy Chief Personnel
Officer (through Second
Respondent above named).

... *Respondents.*

AND

1. Shri R. K. Thoopal,
General Manager,
South Eastern Railway,
Garden Reach Calcutta.

2. Shri R. R. Bhandari,
Chief Personnel Officer,
South Eastern Railway,
Garden Reach, Calcutta.

3. Shri A. K. Bramho,
Deputy Chief Personnel Officer,
South Eastern Railway,
Garden Reach, Calcutta.

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4. Shri Ashok Kumar,
Chairman, Railway Board,
Ministry of Railways,
Rail Bhavan, New Delhi. ... Contemnors.

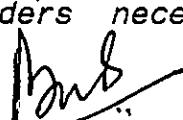
(By Advocate Shri V. S. Masurkar)

TRIBUNAL'S ORDER

We have before us the Contempt Petition No. 61/2000 arising out of the order made by this Tribunal in O.A. No. 329/99. We have been assisted by the Learned Counsel for Original Applicant, Shri V. G. Rege and have also heard Shri V.S. Masurkar, the Learned Counsel for Respondents and perused the papers in the case. Shri V.S. Masurkar drew our attention to the affidavit filed by the Original Respondent No. 2, Shri R. R. Bhandari, dated 20.03.2001 as also the affidavit by Shri M. C. Srivastava, General Manager, South Eastern Railway, Garden Reach, Calcutta (Original Respondent No. 1) dated 27.06.2001.

2. At the outset, we were informed by the Learned Counsel, Shri V.G. Rege, that the orders for promoting the Applicant have now been made on 25.06.2001. In fact, a copy of orders in this regard have been annexed with the M.P. No. 552/01 filed by the original respondent. Thus, it is clear that while the orders have been implemented, there has been considerable delay in its implementation.

3. We have carefully gone through the reasons pointed out for the delay in the internal page No. 3 of Shri R. R. Bhandari's affidavit. The point made is that some four orders were made in various O.As. filed before the Hyderabad Bench, copies of which are annexed to M.P. No. 552/01. It is submitted that these orders necessitated the holding of the process of selection.



afresh and it needed permission from the Railway Board, etc. and since the Applicant's case was considered alongwith others, it entailed delay. Shri Rege did point out that this delay has caused loss in financial and other terms to the Applicant and that the Applicant's case should have been treated separately and also cited certain arguments.

4. We also note that in the affidavit filed by Shri M.C. Srivastava, General Manager, South Eastern Railway, an unconditional apology has been tendered and a request made that this may be accepted.

5. Considering all the facts, as discussed above, and the arguments made, it is clear that there has been delay in this case but considering all factors, we are not holding that the delay as intentional and also note the apology made. In view of this, we do not hold that a contempt has been committed. Notice on this Contempt Petition issued are therefore discharged and the C.P. is rejected. M.P. No. 552/01 also stands disposed of.

6. It is, however, clarified that should the Applicant have any grievance or any prejudice caused to him arising out of delay or otherwise, and if he is so advised, he is at liberty to come up to the Tribunal afresh as per law. No order as to costs.

S.L. JAIN
(S.L. JAIN)
MEMBER (J).

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dl. 21(8/0)
order/Judgment despatched
to A.P.I. respondent(s)
on 3/9/01

B.N. BAHADUR
(B.N. BAHADUR)
MEMBER (A).

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