

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH CAMP AT AURANGABAD

CONTEMPT PETITION NO.43/2002
IN
ORIGINAL APPLICATION NO.415/2000

MONDAY, THE 15TH JULY, 2002

CORAM: HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE CHAIRMAN
HON'BLE SHRI B.N.BAHADUR, MEMBER(A)

Smt. Nalini Prabhakar Joshua
R/o Rly.Q.No.2/E, Rly Colony,
Jalna, near Rly School, Jalna.
(By Adv. Shri P.V.Daware)

.. APPLICANT.

V/s

1. The Union of India
through
The General Manager,
SC. Rly. Secunderabad
2. Shri Tamil Chole,
The Chief Personnel Officer,
SC. Rly. Secunderabad.
3. Shri Shriniwasan,
Dy. Medical Director,
Rail Nilayam Secunderabad.

.. RESPONDENTS.

OR D E R(Oral)
Hon'ble Shri Justice Birendra Dikshit, Vice Chairman.

This CP. has been filed for alleged wilful disobedience of order dated 28th September 2000. The order provided an opportunity of making a representation to applicant within a period of one month before Competent Authority in Railway Administration in respect of a grievance which was being raised in O.A. The representation was made on 19.10.2000. The CP. has been filed on 19.4.2002 which has given rise to question of limitation as Representation was to be decided within one month from the date of filing.

B. Birendra

2. It is not necessary to go into the question of limitation in this matter as the CP. fails for non-joinder of parties. The reason is that applicant made representation to General Manager, South Central Railway, Rail Nilayam, Secunderabad (A.P.) while he filed C.P. against Shri Tamil Chole, Chief Personnel Officer, South Central Railway, Secunderabad and Shri Sriniwasan, Dy. Medical Director, Rail Nilayam, Secunderabad. She has not made General Manager by name as party. The contempt proceedings are drawn in respect of personal liability of contemner and as the General Manager is not a party in his personal capacity while the persons who have been arrayed as party namely, Tamil Chole and Sriniwasan, were not approached for doing anything which could give rise to wilful disobedience of order of this Tribunal, the contempt petition fails on this ground alone. It is kept open to applicant to file CP. against General Manager in case so advised or applicant feels necessary. Subject to our above observations, the CP. is dismissed.

B.N.Bahadur
(B.N.Bahadur)
Member(A)

B.Dikshit
(Birendra Dikshit)
Vice Chairman

Gajan.

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P.M.