

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, MUMBAI

Dated this ^{Friday} ~~Thursday~~ the 10th day of August, 2005

Coram: Hon'ble Shri A.K. Agarwal - Vice Chairman
Hon'ble Shri Muzaffar Husain - Member (J)

Contempt Petition No.42 of 2005
(In OA 305 of 2000)

Pravin M. Meshramkar
(By Advocate Shri D.V. Gangal) - Petitioner

Versus

Shri M.Z. Ansari,
General Manager,
Western Railways,
Churchgate, Mumbai.

Shri Arvendra Kumar,
Divisional Railway Manager,
Western Railways, Bombay Central,
Mumbai.

Shri Pranay Prabhakar,
Senior Divisional Operating
Manager, Western Railways,
Bombay Central, Mumbai.

Shri Niraj K. Maurya,
Area Manager,
Western Railways, Bombay Division,
Valsad.

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Shri Mukul Haldar,
Enquiry Officer
(Traffic Inspector),
Bombay Division,
Western Railways,
Surat.

- Cotemnors

ORDER

Per: A.K.Agarwal - Vice Chairman

This Contempt Petition has been filed by the petitioner aggrieved by non-compliance of Tribunal's order dated 24.11.2004 given while dispoing of OA 305/2000. The learned counsel for the petitioner alleged that the respondents were directed to complete the enquiry proceedings against the petitioner within a period of six months but have taken no effective action for the same. The learned counsel submitted that order of the Tribunal was received by the respondents on 2.12.2004 and thus the period of holding the enquiry is over on 1.6.2005. He contended that after the expiry of this period no further enquiry can be held.

[Signature]

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2. The learned counsel for the respondents submitted that the petitioner has filed another OA 303/05 wherein the same charge sheet issued to him on 15.3.1996 has been impugned. The Tribunal vide its order dated 7.6.2005 had granted a stay on conducting the departmental proceedings for a period of fifteen days. For this reason the Enquiry Officer had fixed 24.2.2005 as the next date. However, since the interim relief granted in that OA has been continued, no progress in the departmental proceedings has been possible.

3. We have heard both the counsel and have gone through the material placed on record. The first objection raised by the petitioner's counsel is that after completion of initial period of six months which was over on 1.6.2005, no further enquiry can be held. On this point a Full Bench of CAT vide order dated 20.8.2004 while disposing of OA 2107/02 has held that failure to comply with the order of the Tribunal within the prescribed time limit shall not render the order illegal; unless there is inordinate delay which causes prejudice to the



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concerned person. As far as facts of the instant case are concerned, the petitioner by filing OA on 3.6.2005 has obtained a stay order from conducting departmental proceedings, therefore, non-completion of departmental proceedings cannot be regarded as causing prejudice to the petitioner. Further, there is no willful default on the part of the respondents since the disciplinary authority could not proceed further in view of the stay order given by the Tribunal in the other OA.

4. Keeping in view the facts herein before, we hold that respondents have not committed any contempt of court. The Contempt Petition is dismissed accordingly. Notices are discharged.


(Muzaffar Husain)
Member(J)


(A.K. Agarwal)
Vice Chairman