

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P. NO.: 53/2002 IN O.A. NO.: 542/94.

Dated this Friday, the 4th day of October, 2002.

CORAM : Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman.
Hon'ble Shri B. N. Bahadur, Member (A).

1. Madhya Railway Karmachari)
Sangh)
2. Shri Ratan Singh Narayan)
Singh)
(By Advocate Shri R.D. Deharia)) ... Applicants.

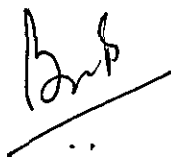
VERSUS

1. Shri R. K. Singh
Secretary,
Railway Board, New Delhi.
2. Shri S.P.S. Jain,
General Manager,
Central Railway,
C.S.T., Mumbai.
3. Shri T. N. Perti,
Chief Personnel Officer,
Central Railway,
CST Mumbai.
4. Shri G.S. Suri,
Chief Workshop Manager,
Central Railway Workshop,
Jhansi. ... Contemnors.
(By Advocate Shri S. C. Dhavan)

TRIBUNAL'S ORDER :

Learned Counsel on both sides are present again today and it is reiterated that five persons in respect of whom the orders have not been implemented are S/Shri Kamal Singh Dhaniram, Mangal Prasad Ramlal, Rambaran Ramsanvale, Deen Mohd. Niyaz Mohd. and Ram Singh Mangal Singh.

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2. One copy of the C.P. is provided to the Respondents through their Learned Counsel, Shri S. C. Dhavan. We have heard the Learned Counsel, Shri Dhavan, states that the orders of the Tribunal made in the O.A. have been implemented, and that, the seniority cannot be given to these persons merely because they had passed the trade test in 1975, since these persons were actually promoted in 1981, from which date seniority has been provided.

3. We have gone through the operative part of the judgement and are of the view that action, as directed, has been taken by the Respondents. If the Applicants are aggrieved in the manner they perceive, the cause will not lie in a contempt petition but in a fresh O.A., which they are at liberty to file. In the present case, we are only trying to assess whether any contempt has been committed i.e. whether any wilful defiance of the order is manifest. We are not convinced that a contempt has been committed. Hence, we do not find any reason to proceed with the C.P. Accordingly, the C.P. No. 53/2002 is dismissed.

B. N. Bahadur

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

B. Dikshit

(BIRENDRA DIKSHIT)
VICE-CHAIRMAN.

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