

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Contempt Petition No.84/2001
in
Original Application No.1030/95

Dated this Tuesday the 4th September, 2001

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

1. C.T. Adsule,
working as
PWI Grade III,
Western Railway,
Bombay Division at Valsad,
Gujarat State.
2. Rajesh Pillai,
working as,
PWI Grade III,
Under Dy. Chief Engineer (TR),
Headquarters Office,
Western Railway, Churchgate,
Mumbai - 400 020. Petitioners.

[Petitioners by Mr. G.S. Walia, Advocate]

Vs.

1. Niklesh Jain,
DRM,
DRM's Office,
Western Railway,
Mumbai Central,
Mumbai - 400 008.
2. Sanjay Singh,
Sr.DPO,
Western Railway,
Mumbai Central,
Mumbai - 400 008. Contemnners.

[Contemnners by Shri V.S. Mehta, Advocate]

Tribunal's Order on Contempt Petition.

This Contempt Petition has been filed by applicants on the ground of wilful dis-obedience of Order dated 20.4.1001 passed on O.A. 1030/95.

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2. The allegations of the applicants are that the order was passed on 20.4.2001 and the seniority list was not ~~been~~ published within a period of 3 months, which ^{time} was allowed to the Respondents. We find from the relevant records of the office that the certified copy of the order was prepared on 24.4.2001 and it was collected by the Respondent's lawyer on 30.4.2001. The Respondents published a provisional seniority list on 10.5.2001 inviting objections, which were to be filed within a period of one month from said date. The Learned Counsel for applicants has pointed out that the applicant also filed objections to the said seniority list.

3. The Contempt Petition has been filed on 24.8.2001. It appears that as the order could not be made available ^{by} ~~to~~ Respondents Counsel, it could not be complied with in time. We are not going to take any action as after receipt of the copy of the order the provisional seniority list has been published and objections have been invited on 10.5.2001. Under such circumstances, though this Tribunal has granted 3 months time for publishing seniority list and much time has not elapsed from that, we do not consider it necessary to proceed any further at present as it could not be said that there is much delay in finalising the seniority list. However, if objections are not disposed of soon and further delay takes place, which may become ^{by} unreasonable, then we will consider
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taking action. We hope that respondents will now not delay the matter as period of 3 months stands expired even after publication of provisional seniority list.

4. The other arguments of Learned Counsel for applicants are that applicants are interested in execution of the order than to get the respondents punished. The present Contempt Petition is not a remedy for executing the order. However, as we have already expressed that reasonable time has not expired after publication of the provisional seniority list and inviting objections and we are not taking action against respondents at this stage we hope that the department will not give effect to any order to the prejudice of applicants unless final seniority list is published ~~in accordance~~ as directed by us in the judgment dated 20.4.2001.

5. The Learned Counsel for applicant has pointed out that despite passing of the order the respondents should not have prepared panel before finalising seniority list. We are of the view that the preparation of panel is not in violation of our order. However, it is kept open for applicants to agitate their objections ^{by seeking remedy afresh} in case they feel the preparation of panel is not legally sustainable. This they can do by objecting either before authorities or by a separate O.A.

6. For aforesaid reasons, the Contempt Petition No.84/2001 is dismissed, with no order as to costs.

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

B.Dikshit
(Birendra Dikshit)
Vice Chairman.

H.