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CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
HYDERABAD

Contempt Petition No.122/95

in

ORIGINAL APPLICATION NO. 353 of 1991

Date of filing - 10.2.95

P.Xavier

APPLICANT(S)

Versus

K.Manohar Rao, GM, SC Rly and anr.

RESPONDENT(S)

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not?
2. Whether it be circulated to all the Benches of C.A.T. or not?

(R.RANGARAJAN)  
Member (Adm.)

(M.G.CHAUDHARI)  
Vice Chairman/Member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

CONTEMPT PETITION NO.122 of 1995

in  
ORIGINAL APPLICATION NO.353/91.

Date of order: 29.3.96

BETWEEN:

P.XAVIER

PETITIONER

AND

1. Shri K.Manohar Rao,  
General Manager,  
South Central Railway,  
Secunderabad.
2. Shri R.Dubey,  
Chief Personnel Officer,  
South Central Railway,  
Secunderabad.

RESPONDENTS

COUNSEL FOR THE PETITIONER: SHRI G.V.SUBBA RAO

COUNSEL FOR THE RESPONDENTS: SHRI N.V.RAMANA, Addl. ~~ESQ~~  
Standing Counsel for  
Railways.

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

ORDERS

(AS PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN)

Heard Shri G.V.Subba Rao, learned counsel for  
the contempt petitioner and Shri V.Rajeswara Rao for  
Shri N.V.Ramana, learned Addl. Standing Counsel for the

her

respondents. By the order dated 20.3.95, the respondents were directed to pass appropriate order in regard to to 13.9.79 after giving an opportunity to the applicant to submit his case.

2. The learned counsel for the applicant today fairly brings to our notice that the Chief Personnel Officer, South Central Railway has passed an order dated 8.3.96 rejecting the plea of the applicant for treating the period as duty and holding that the period of suspension should be treated as ~~simple~~ suspension only. We have perused the said letter. The order in the OA has thus been complied with and there does not arise any question of taking action in contempt. The learned counsel submits that the reasons given by the CPO in the aforesaid letter are ~~not~~ being disputed by the applicant. That would be a matter for a separate substantive proceeding and cannot be a subject matter of this petition. We make it clear that the present order does not preclude the applicant from adopting legal remedies such as may be available to him in accordance with law. However, we are not happy <sup>with</sup> the fact that the respondents have not complied with the directions within the stipulated time and did not bother to apply for extension of time nor to offer any explanation for ~~delay~~ in complying with the order which is nearly of about one year, by filing any reply to this petition which shows that the respondents do not ~~took~~ upon the orders

W.M.

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of this Tribunal with the seriousness as is expected. But for the fact that strictly we cannot proceed in contempt, we are not inclined to take any action for the same. The respondents will be well advised to bear in mind this caution for future. The Contempt Petition is dismissed.

*R. Rangarajan*

(R. RANGARAJAN)  
MEMBER (ADMN.)

*M.G. Chaudhari*

(M.G. CHAUDHARI)  
VICE CHAIRMAN

DATED: 29th March, 1996.  
Open court dictation.

*Arthy Jaiswal  
Deputy Registrar (D) CC*

vsn

To

1. Sri K. Manohar Rao,  
General Manager, SC Rly,  
Secunderabad.
2. Sri R. Dubey, Chief Personnel Officer,  
S.C.Rly, Secunderabad.
3. One copy to Mr. G. V. Subba Rao, Advocate, CAT. Hyd.
4. One copy to Mr. N. V. Ramana, SC for Rlys CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

pvm.

*9/3/95*  
I COURT

TYPED BY

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD :M(A)

Dated: 26/3/1996

ORDER/JUDGMENT

~~M.A.R.A.~~ /C.A.No. 121/95

in

O.A.No. 353/91

T.A.No. (w.p. )

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Ordered/Rejected.

No order as to costs.

pvm

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केन्द्रीय प्रशासनिक अधिकार बोर्ड  
Central Administrative Tribunal  
डेस्पैच/DESPATCH

15 APR 1996 NSP