

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 8th day of March, 2011

CONTEMPT PETITION No.4/2011

IN

ORIGINAL APPLICATION No.78/2010

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

1. Ram Swaroop Bairwa,
Assistant Loco Pilot under
SSE Loco, Phulera,
North Western Railway,
Phulera.
2. Ram Swaroop Gurjar,
Loco Pilot (Goods) under
SSE Loco, Phulera,
North Western Railway,
Phulera.

... Petitioners/Applicants

(By Advocate : Shri C.B.Sharma)

Versus

1. Shri G.C.Buddikity,
Divisional Railway Manager,
North Western Railway,
Jaipur Division,
Jaipur.
2. Shri Shashi Kiran,
Divisional Mechanical Engineer (Power),
North Western Railway,
Jaipur Division,
Jaipur.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

Heard learned counsel for the applicant. We are of the
view ^{that} this is not a fit case for initiating contempt proceedings
against the respondents.

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2. Learned counsel for the applicant argued that once the matter regarding entitlement of subsidy was pending before the higher authority, it was not permissible for the lower authority to initiate the disciplinary proceedings and pass the impugned order of punishment.

3. Be that as it may, the question regarding imposition of penalty by the lower authority shall be considered in a case where validity of the said order is under challenge and the said penalty cannot be a ground for initiating contempt proceedings.

4. Thus, without expressing any opinion on the contention raised by learned counsel for the applicant, as noticed above, the present CP stands dismissed.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan

(M.L. CHAUHAN)
MEMBER (J)

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