

# THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH, JAIPUR ORDER SHEET

APPLICATION NO.: \_\_\_\_\_

Applicant(s) Usha Jain

Respondent (s) AK Computer

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p><u>101.00</u></p>	<p><u>CP 1/2000 (ON 393/2007)</u></p> <p>Mr P.P Mathur, counsel for Applicant.</p> <p>Heard. The CP stands dismissed by a separate order.</p> <p>(<u>[Signature]</u>) (J.P. Shukla) MA)</p> <p>(<u>[Signature]</u>) (M. L. Chaudhary) MJ)</p>

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

Jaipur, the day of 18<sup>th</sup> January, 2008

CONTEMPT PETITION NO. 01/2008

IN

ORIGINAL APPLICATION NO. 397/2007

**CORAM:**

**HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER**

**HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER**

Smt. Usha Jain aged about 50 years wife of Shri Sunder Lal Ji Jain, resident of 351-D A Block Chandravardai Nagar, Ajmer. Presently working as Clerk in the Office of DCOS Ajmer Division, NWR, Ajmer.

By Advocate: Mr. P.P. Mathur

.....Applicant

Versus

1. Shri A.K. Gupta, the General Manager, North Western Railway, Jaipur.
2. Shri Ravindra Tandon, the Divisional Railway Manager, Ajmer Division, North Western Railway, Ajmer.
3. Shri L.S. Chodhary, the Deputy Controller of Stores, Ajmer Division, North Western Railway, Ajmer.

Advocate: Mr. ----

.....Respondents

**ORDER (ORAL)**

The applicant has filed this Contempt Petition against the alleged violation of the order dated 06.11.2007 passed in OA No. 397/2007, the relevant portion of which reads as under:-

“In view of what has been stated above, I am of the view that the applicant is also entitled to the similar relief. Accordingly, the respondents are directed not to give effect to the impugned order dated 18.10.2007 (Annexure A/1) and 26.12.2005 (Annexure

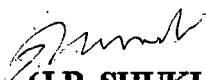
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A/2) till further order provided that the impugned order have not been given effect to."

2. Learned counsel for the applicant submits that orders in question have been given effect to and the respondents are not allowing the applicant to work on the post of Clerk. The applicant has also annexed copy of the representation dated 17.11.2007 (Annexure CP/2) with this Contempt Petition. From the perusal of this representation, it is evident that the applicant has been reverted vide order dated 24.10.2007 and it appears that when this fact came to the notice of the applicant, she has proceeded on leave w.e.f. 25.10.2007. The stay granted by this Tribunal was conditional, whereby it was stated that the impugned orders dated 18.10.2007 (Annexure A/1) and 26.12.2005 (Annexure A/2) shall not be given effect to in case the said impugned orders had not been given effect to prior to the passing of the order dated 06.11.2007. not  
by

3. Since we are in the Contempt Proceedings, the law on the point is that the Contempt Proceedings can be initiated only if the person is prima facie guilty of willful disobedience. According to us, the applicant has not made out any case and, in any case, it cannot be said to be a <sup>case of</sup> willful disobedience.

4. Accordingly, the Contempt Petition is dismissed.

  
(J.P. SHUKLA)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ