

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 9/15 August, 2001

CP No.4/2000 (OA No.396/99)

1. V.K.Sharma s/o Shri G.L.Sharma now a days working as Office Superintendent (Mech) DRM Office, Kota.
2. R.C.Sharma s/o Shri Ganga Sahai r/o Kota now a days working as Office Superintendent (Mech), DRM Office, Kota.
3. Sajjan Singh Rajawat s/o Shri Keshar Singh r/o Kota now a days working as Office Superintendent (Mech), DRM Office, Kota.

..Petitioners

Versus

1. Shri Ram Pal Rehan, Divisional Railway Manager, Western Railway, Kota Division, Kota.
2. Shri Gopal Lal Meena, Sr. Divisional Personnel Manager, Western Railway, Kota Division, Kota.

.. Respondents

Mr. S.K.Jain, counsel for the petitioners

Mr. U.D.Sharma, counsel for respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member


Prayer of the petitioners in this Contempt Petition is that the respondents have committed contempt of the interim orders of this Tribunal dated 17.8.99 passed in OA No. 396/99 by issuing orders of promotion dated 21.12.1999 (Ann.CP/2) and that the respondents deserve to be punished on that count. The operative part of the



interim order is reproduced below:-

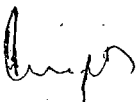
"In the meantime, we direct that till the next date, any consideration for promotion of SC/ST candidates to the post of Chief Office Superintendent by the respondents pursuant to the communication dated 24.6.1999 at Ann.A1, shall be made keeping in view the decisions of Hon'ble the Supreme Court reported in JT 1992, (6) SC 273; Indira Sawhney and ors. etc. etc. vs. Union of India and ors. etc. etc., AIR 1995 SC 1371; R.K.Sabarwal and ors. vs. State of Punjab and ors. (1996) 2 SCC 215, Ajit-Singh Januja and ors. v. State of Punjab and ors."

2. We find from the impugned order dated 21.12.99 that the respondents had cancelled the order dated 21.4.99 by which 3 persons i.e. Shri N.K.Katara, Shri P.K.Meena and Shri Brahmjit were placed in the post of Chief Office Superintendent in the grade of Rs. 7450-11500. This cancellation order was challenged by one Shri N.G.Verma who had been promoted vide order dated 15.4.99 by filing OA No.189/99. This Tribunal had stayed the operation of the said cancellation order by directions dated 28.4.99 and that stay order has continued by subsequent orders. It is significant to note that the Tribunal's order in that OA were passed on 28.4.99 whereas the interim orders in OA No. 396/99 of which disobedience has been alleged were passed on 17.8.99. The order of 17.8.99 clearly states that till the next date any consideration for promotion of SC/ST candidates to the post of Chief Office Superintendent in pursuance of the communication dated 24.6.99 shall be made keeping in view the decision of Hon'ble the Supreme Court. The impugned order dated 21.12.99 is not in pursuance of the communication dated 24.6.99 or in violation of the interim orders as alleged. The impugned order is only in compliance of the Tribunals



order dated 28.4.99. In this background, there is absolutely no case of any wilful disobedience of the interim orders of this Tribunal by the respondents, as alleged by the petitioner. We do not find any merit in this Contempt Petition and the same is liable to be dismissed.

3. We, therefore, dismiss this Contempt Petition. Notices issued are discharged.


(A.P.NAGRATH)

Adm. Member


(S.K.AGARWAL)

Judl.Member