

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Decision : 17.02.2004

Contempt Petition No. 4/2004.

IN

Original Application No. 134/1999.

Mahesh Chand Sharma S/o Shyam Sunder Sharma, aged 36 years, R/o C/o Nehru Sikhan Sansthan Railway Colony, Sawai Madhopur.

... Applicant.

versus

Shri S. P. S. Jain, General Manager, Central Railway, Mumbai, CST.

... Respondent.

Mr. S. K. Jain counsel for the applicant.

CORAM

Hon'ble Mr. J. K. Kaushik, Judicial Member.

Hon'ble Mr. A. K. Bhandari, Administrative Member.

: O R D E R (ORAL) :

Heard the learned counsel for the applicant.

Contempt Petition NO.4/2004 has been filed complaining non-compliance of the order dated 09.04.2003 passed in OA No.134/1999, wherein the following direction was given :-

" In view of above submissions of the learned counsel for the applicant and keeping in view the RBE No.150/2000, this OA is disposed of with a direction to the applicant to file a fresh representation to the General manager, Central Railway within 15 days from today alongwith a copy of order and by speed post to avoid delay. In that event, the General Manager is directed to consider his representation in accordance with RBE No.150/2000 and order appointment of the applicant to a post where direct recruitment is also resorted to, for which the applicant is considered suitable as per his medical category any by relaxing the age where necessary within a period



of two months from the date of receipt of his representation. In case, he feels that the applicant is not covered under these instructions or he cannot be appointed to any post, he shall pass a speaking order within the said period. No order as to costs."

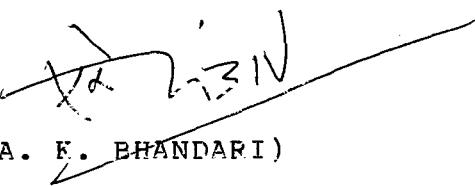
2. Learned counsel for the applicant has submitted that though an order dated 24.07.2003 (Annexure A-3) has been issued but the case of the applicant has not been considered in true spirit of the judgement of this Bench of the Tribunal, inasmuch as the benefit has been extended to a similarly situated person but the case of the applicant has been turned down. Learned counsel for the applicant has further submitted that the respondents have committed a contempt and in a hurried manner they have passed the order, disposing of the representation without taking into account all the relevant facts.

3. We have considered the contention of the learned counsel for the applicant and the perusal of the operative portion of the order passed by the Tribunal reveals that the respondents were directed to pass a speaking order within a specified period of time and the representation has been disposed of by the respondents by an order which is written into three pages. The scope of contempt is very limited and we cannot examine merit and decide, dispose of or adjudicate the right of the parties in the contempt petition.

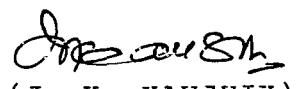
4. In this view of the matter, we are satisfied that

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the substantial compliance of the order of the Tribunal has been made and the Contempt Petition does not survives as such. However, if the applicant is aggrieved by the order dated 24.07.2003 which has been passed in pursuance of the order of this Tribunal, the applicant can avail the remedy available to him or may file a fresh OA as may be advised.


(A. K. BHANDARI)

MEMBER (A)


(J. K. KAUSHIK)

MEMBER (J)